

# Law Enforcement News

Vol. XXVIII, No. 579

A publication of John Jay College of Criminal Justice/CUNY

June 15, 2002

## In this issue:

**Around The Nation:** A coast-to-coast roundup of police news. **Pages 2, 3.**  
**People & Places:** Radio run; new tune for Fyfe; heavy lifting; a cop's animal instincts; now you see them, now you don't. **Page 4.**  
**Not so fast:** Graduation for some recruits held up over curriculum questions. **Page 5.**  
**Saudi duty:** Richmond academy trains Arab police supervisors. **Page 5.**  
**Making a difference:** Having the right volunteer helps small agency computerize. **Page 5.**  
**Preemptive strike:** Illinois agencies to begin testing for steroids. **Page 5.**  
**Sounding off:** Excerpts from FBI agent's whistle-blowing memo to Mueller. **Page 6.**  
**Ground-level views:** Local agencies react to changes in the FBI's mission. **Page 6.**  
**Common cause:** Cops, doctors share perspectives on dealing with violence. **Page 7.**  
**No home-field advantage:** Even in LA, DARE's fate is up in the air. **Page 7.**  
**11th-hour reprieve:** Montana HP pact with tribe gets an extension & review. **Page 7.**  
**All there in black & white:** Recent developments related to racial profiling. **Page 8.**  
**Image-consciousness:** Did racial profiling concerns hold back the FBI? **Page 8.**  
**Forum:** Big Brother is watching; practicing realism, not racism. **Page 9.**  
**Silk purse:** Canada pig farm holds clues to serial killings. **Page 10.**  
**Time flies:** NYPD's controversial "48-hour rule" may be on its last legs. **Page 10.**  
**Outside look:** Two agencies to get a once-over from DoJ unit. **Page 11.**  
**Cord-carrying Mexicans:** More cities accept ID cards issued by consulate. **Page 11.**

## Fed agents' group takes wait-and-see stance on homeland security proposal

Plans unveiled by President Bush this month to bring together under the aegis of a new Department of Homeland Security nearly all of the nation's federal law enforcement and dozens of other government agencies has drawn little initial reaction from the Federal Law Enforcement Officers Association, an organization representing criminal investigators.

"You have a concept, you flesh it out and you give it to the press and you talk about it, but we haven't seen anything in writing," Richard Gallo, the group's president, told Law Enforcement News. "We may totally, absolutely 100 percent support it, maybe three-quarters."

While Bush's proposal has been lauded by members of Congress on both sides of the aisle, some have already raised issues over turf. The chairman of the House Transportation Committee, Representative Don Young (R-Alaska), said that he would not give up jurisdiction over the Coast Guard, an agency whose search-and-rescue functions and other non-security duties factor heavily in Young's home state.

Under Bush's proposal, the new department would have 169,000 employees and a budget of \$37.4 billion, making it the federal government's third-largest agency with the ninth-largest budget. Four branches of the department and the Secret Service, which would remain a separate entity, would report to a Cabinet secretary of homeland security. The Immigration and Naturalization Service; the Customs Service; the Coast Guard; the Animal and Plant Health Inspection Service; the Federal Protective Service, and the Transportation Security Administration would be in the department's border transportation and security division.

Within the emergency preparedness and response branch would be the Federal Emergency Management Agency; chemical, biological, radiological and nuclear response units from the Department of Health and Human Services; the interagency Domestic Emergency Support Team; the Energy

FLEOA chief wonders: How can you reorganize federal law enforcement and not include the FBI?

Department's Nuclear Incident Response unit, and the National Domestic Preparedness Office. A chemical, biological, radiological and nuclear countermeasures arm would include the Lawrence Livermore National Lab; the Civilian Bio-defense Research Program, and the Plum Island Animal Disease Center.

The new department would also have an information analysis and infrastructure protection arm that would comprise the Critical Infrastructure Assurance Office; the Federal Computer Incident Response Center; the Defense Department's National Communications Systems; the National Infrastructure Protection Center, and the National Infrastructure Simulation and Analysis Center.

The CIA and the FBI, whose intel-

ligence shortcomings related to the terrorism attacks have been the focus of recent stinging criticism, would not be part of the reorganization plan, but would continue in their present roles. The new homeland security department's "intelligence and threat analysis" operation would not conduct its own clandestine investigations or gather its own data, but rather would analyze information turned over to it by the CIA, FBI, Defense Intelligence Agency and National Security Agency. In addition, it would assess threats, issue timely warnings and have the authority to demand that specific questions and threats be pursued by intelligence agencies.

"There has been a lot of discussion among us about how you can reorganize federal law enforcement and not

include the FBI, the largest federal law enforcement agency," said Gallo, an investigator with the Agriculture Department's Office of Inspector General. "We're kind of befuddled by that. There's only 30,000 total, more or less, federal law enforcement criminal investigators and you're talking about a total reorganization, with one agency with 11,500 of those criminal investigators and they're not even part of this reorganization. And yet they have certain jurisdictional concerns in reference to domestic terrorism [and] international terrorism being visited upon our shores."

Gallo said the FLEOA is also concerned about some pay benefits and civil service issues. "We're just wondering where Bush is going to be on that," he said.

## Under the glare of scrutiny, FBI gets ready for a makeover

FBI officials, under harsh criticism for failing to "connect the dots" when internal and external intelligence reports warned prior to Sept. 11 that an attack on American soil might be coming, are now seeking to redefine the bureau's mission with a massive overhaul of both its philosophy and organizational structure.

FBI Director Robert S. Mueller III outlined a proposal in June that will shift the bureau's traditional focus from crime fighting to terrorism prevention. "First, and foremost, the FBI must protect and defend the United States against terrorism and foreign intelligence threats," he said in a statement before a Senate committee. Its second duty is to enforce the nation's criminal laws, said Mueller, and third, to pro-

vide assistance to state, local and international law enforcement, as well as to other federal agencies.

### Red Flags and Unconnected Dots

"I cannot say for sure that there wasn't a possibility we could have come across some lead that would have led us to the hijackers," he conceded. While insisting that there was no specific warning, Mueller said, "that doesn't mean that there weren't red flags out there, that there weren't dots that should have been connected to the extent possible."

The FBI makeover, which has yet to be approved by Congress, calls for the hiring of 900 new agents by September, the permanent reassignment of 500 agents from such activities as bank robbery, white-collar crime and narcotics investigations to intelligence, and the increase from 153 counterterrorism agents to 682 over the next two years.

Involvement in drug investigations — which the FBI long resisted and only reluctantly undertook beginning in 1981 — will be reduced, as will the bureau's participation in white-collar and violent crime investigations. The decision to limit the involvement in narcotics cases, said Mueller, came after consultation with the FBI's special agents in charge, federal prosecutors, state and local law enforcement officials and others. Where in the past, 10 to 12 agents might have been participated in joint task forces, now that number may be half that.

### Help Where It's Needed

With regard to white-collar and violent crime, Mueller said: "...I expect

the impact on our state and municipal partners in these two areas to be relatively minor. Let me assure you of one thing: If a state and municipal law enforcement agency does not possess a needed expertise, the FBI will provide the assistance and expertise needed."

Among the other key features of the reorganization will be:

1 A restructuring and expansion of the bureau's Counterterrorism Division to include a National Joint Terrorism Task Force that will improve collaboration and information sharing with other agencies and local field offices.

2 The establishment of a new Office of Intelligence, which will initially be staffed by CIA analysts until the bureau can recruit, train, hire and build its own "analytic cadre."

3 A Cyber Division, which will operate out of FBI headquarters to coordinate, oversee and facilitate investigations in which the Internet, on-line services and computer systems and networks "are the principal instruments or targets of foreign intelligence or terrorists and for criminal violations where the use of such systems is essential to the illegal activity."

4 Splitting the bureau's Laboratory Division into two parts: Investigative Technologies and Laboratory Division. While the Laboratory Division will continue to focus on evidence analysis, training and forensic research, Investigative Technologies will provide a variety of technical and tactical support services.

### Loosening the Reins

To aid the bureau's transformation, Continued on Page 6

## Female, minority ranks are up, but it's more than just numbers

While the overall proportion of minorities and women who have joined the sworn ranks of police agencies over the past decade may amount to just a few percentage points, their presence within some individual departments nearly doubled between 1990 and 2000, according to a study by the Bureau of Justice Statistics that examined a variety of trends in 62 of the nation's largest cities.

During those years, the percentage of full-time officers who were members of racial or ethnic minorities rose from 30 percent to 38 percent in jurisdictions of more than 250,000 residents. The

largest increase was achieved by Hispanics, whose numbers grew from 9 percent in 1990 to 14 percent in 2000. The percentage of black officers in those cities rose from 18 percent to 20 percent; female officers increased from 12 percent to 16 percent.

On average, said the study, which was released in May, police agencies in large cities had a ratio of 63 minority officers for every 100 minority residents in 2000.

"I think there has been an interest in most police departments to better reflect the composition of the communities they serve," Brian A. Reaves, the

study's co-author, said in an interview with Law Enforcement News. "I think there's been a more concerted effort by departments to hire women — it's no accident those numbers have gone up. These percentages are not going to go up dramatically because you can't just suddenly get rid of all the officers who you think are not representative and hire a bunch of ones who are. It's a gradual process, but it's clearly moving in the direction of being more representative."

But numbers alone do not give an accurate picture of women in law enforcement, said Dorothy Schulz, an as-

Continued on Page 8



# Around the Nation

## Northeast



**DISTRICT OF COLUMBIA** — Six patrol officers who recently completed training will join two sergeants to form the city's new mounted unit. Although the department only has two geldings on duty, officials said that donors will provide three more. The officers trained with the U. S. Park Police in Rock Creek Park.

**MAINE** — Emergency dispatching practices will remain as they are in Bangor and Old Town, after officials in those cities decided in May against joining the five-year-old Penobscot County regional dispatch program.

**MASSACHUSETTS** — State Police Maj. Mark Delaney has been put in charge of the department's crime labs and Crime Scene Services Unit as a first step in fixing the troubled labs. One recent study found that crime labs across the state cut corners and denied requests from law enforcement because of budget problems.

**NEW HAMPSHIRE** — Amherst police had hoped to place a patrol officer on a part-time basis in the Souhegan Cooperative High School, but the school district's community council, comprising 25 students, 10 faculty and five community members, voted 24-16 against the plan. The Souhegan Cooperative School Board, which has the final say in the matter, is expected to back the council's recommendation. Critics of the plan feared that officers would discipline and search students, and they disliked the idea of officers carrying guns in the school.

Concord Police Officer James Walgreen was arraigned May 14 on a charge of felony theft for taking his estranged wife's belongings, putting them in garbage bags, and towing them into a Dumpster. Walgreen was released on bail and remains on the job, although one provision of his bail stipulates that he refrain from possessing a firearm, destructive device, dangerous weapon or ammunition.

**NEW JERSEY** — On May 10, 18 Ramsey police officers, more than half of the force, had their heads shaved at a local barber shop to support their hero — 4-year-old John Hennessy, a veteran cop's son who is losing his hair from chemotherapy treatments for acute lymphoblastic leukemia. John is currently in remission but will receive chemotherapy for another three years. All 31 Ramsey officers also donated two days of work time each in the event that John's father, Sgt. Robert Hennessy, needs more time off.

**NEW YORK** — The Albany Citizens' Police Review Board, which has been reviewing cases for about a year, is thus far being viewed as a success as well as a work in progress. Some say the board has yet to be fully tested, as there have been no serious allegations of racial profiling, civil rights abuses or misconduct since the board's formation.

The New York Police Department has been under sharp criticism for a number of recent prisoner escapes, including one in which a 100-pound female

escaped because of a loose handcuff. She was later recaptured at her home. Two other prisoners, suspected serial rapist Jose Santiago, who fled after being left uncuffed in an interrogation room in the Bronx, and convicted killer Kevin Saxon, who ran in handcuffs from two investigators in the Manhattan district attorney's office, were still at large.

Although ridership of the New York City subway system is soaring, statistics show that subway crime has dropped to 30-year lows. Through early May, overall subway crime this year is down 6.2 percent compared to the same period in 2000. Chief William Cathoun, head of the NYPD's Transit Bureau, said that police are keeping track of where the serious crimes are happening so that police can be stationed at trouble spots. They are also looking at lesser offenses, on the theory that nabbing fare beaters, vandals, and litterers could prevent culprits from later committing more serious crimes.

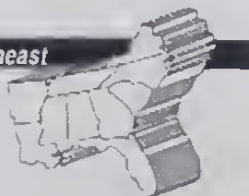
**PENNSYLVANIA** — After Sunbury Sheriff Charles Berkoski was ordered to find 50 more women to add to a jury pool that included only 10 women and 140 men, he made his own wife and daughters appear for duty. Northumberland County sheriff's deputies were also sent out to recruit women in gas stations and grocery stores.

Police Chief Stu Woods has proposed an ordinance to Richland Township supervisors that would ban cruising. The ordinance would allow police to designate certain "No Cruise" areas and issue citations and fines to violators. Cruising would be defined as passing a marked zone more than twice in a two-hour period. Woods said that cruisers have been gathering in groups in parking lots, often loitering and drag racing, and that they sometimes intimidate store patrons and endanger the lives of other citizens.

Pittsburgh authorities are warning students at downtown trade schools and beefing up patrols because of a string of robberies committed by armed juveniles, some as young as 8 years old. So far, three youths — a 15-year-old and two 13-year-olds — have been arrested.

**RHODE ISLAND** — Former Providence police chief Urbano Prignano Jr., testifying under immunity from prosecution in the corruption trial of Mayor Vincent A. Cianci Jr., admitted that he provided study materials to favored officers before they took promotional examinations. The Fraternal Order of Police is calling for Prignano's pension to be revoked.

## Southeast



**ALABAMA** — On May 10, Lynda Lyon Block, 54, a political extremist who was convicted of murdering a policeman in 1993, became the first woman executed in Alabama in 45 years. Block did not pursue final appeals, claiming the courts were corrupt and did not have jurisdiction in her case.

**ARKANSAS** — State Police Director Don Melton plans to ask legislators to

approve a bill that would require all the information currently bar-coded on driver's licenses to be encoded as well on vehicle registration and proof of insurance cards. If patrol cars could be outfitted with scanners and laptops, Melton believes, such a measure could halve the time that officers spend at accidents, saving 50,000 to 70,000 man-hours a year.

**FLORIDA** — Sylvia Mandell, 89, was charged with battery and spent a night in jail after allegedly punching Naples Officer Tyrone Davis. The officer said that Mandell, who is barely 5 feet tall and weighs just 90 pounds, hit him when he cited her for causing an accident. Mandell, however, maintained that she simply reached to get her pen, which was a present from her late husband, when Davis put it in his pocket. She added that her stay in jail "was very stressful, but the ladies in the cell with me were nice."

Zephyrhills city officials recently surprised Police Chief Robert G. Howell as he was presenting the architectural plans for the city's new police station. A petition, signed by 38 department employees and passed unanimously by the City Council, called for the \$2.6-million 16,000-square-foot facility to be named the Robert G. Howell Building. Howell, who plans to retire in the fall after 40 years of service, said: "It's kind of humbling, but it's an honor."

**GEORGIA** — In the two years since the Duluth Police Department launched its web site, it has had more visitors (57,000) than the city has residents (22,000). Sgt. Fred Stemp created and maintains the site, which has won awards for its design and content. Some of the more popular sections of the site include the community relations page, in which children can view the department's trading cards and adults can submit online applications for security checks of their homes while on vacation. Stemp plans to add more features next year, including live chats with officers and a virtual tour of the station.

**LOUISIANA** — According to police statistics, 45 people were murdered in New Orleans in the first quarter of 2002, up from 41 in the same period last year. Total violent crime, however, was down by 13 percent.

Katherine Howard of Leesville faces up to life in prison after reporting a false anthrax threat at her workplace so she could stay at home and celebrate her son's birthday. Howard is charged with making a false threat to use a weapon of mass destruction.

**MISSISSIPPI** — At the request of Police Chief Greg Harris, Grenada city officials unanimously approved changes in police procedures that will make foot pursuits safer for officers and make the policy governing the use of deadly force conform to nationally recognized procedures. The new pursuit policy requires that when officers begin a chase, they provide notification of their positions.

**NORTH CAROLINA** — According to a study done by the Highway Safety Research Center at the University of North Carolina-Chapel Hill, when 16- and 17-year-old drivers transport passengers, their risk of injury-causing and fatal crashes increases with each addi-

tional passenger. One passenger increased the risk by 33 percent, while two passengers increased the risk by 137 percent.

An analysis of state correction records conducted by The (Greensboro) News & Record has found that far fewer juveniles who commit serious crimes are sent to state prison. Correction officials cannot explain the 62-percent drop in the number of juvenile prisoners since 1995, as the number of juvenile arrests has actually increased.

**SOUTH CAROLINA** — On May 13, Capt. Yvonne Duke, a detention officer with the Charleston County sheriff's office, presented a \$3,659 donation to New York City's 1st Precinct. The sheriff's office "adopted" the precinct, which includes the former site of the World Trade Center and was home to many officers injured in the Sept. 11 terrorist attacks. Duke is a former New York correction officer.

**TENNESSEE** — Chattanooga Police Officer Julie Jacks was shot and killed on May 6 during a confrontation with a man who escaped police custody during a mental evaluation. Jacks was the fourth female police officer to die in the line of duty in Tennessee.



**ILLINOIS** — By a vote of 100-to-6, the state House of Representatives has approved a plan to expand the state's DNA database by requiring all convicted felons to submit tissue samples. A spokesman for the state police said that the plan would increase the existing database of 19,000 records by as many as 100,000 a year. Critics have pointed out the cost could be at least \$5.8 million a year and that the current system is already at least six months behind on processing forensic evidence.

Wheeling city trustees have approved a measure that would ban the sale and possession of concealed knives. The move was in response to an incident at Wheeling middle school in which a student was found with a knife disguised as a pen. The school had imposed sanctions, but Police Chief John Popadowski said there was no local or state law that allowed police to get involved.

A \$240,000 grant from the U. S. Department of Justice will allow Lake County to boost its prosecution of gun-related violent crimes with the hiring of two assistant state's attorneys for a Community Gun Violence Prosecution program. Of the 20 homicides investigated in Lake County in 2001, half involved firearms. Officials said that workloads have increased in recent years by about 67 percent.

Two Chicago police officers have been notified that they may have violated 911 response guidelines, after it recently took 17 minutes to respond to a call from a woman who was shot and killed by her estranged husband. The two officers were in the first car to be dispatched to the scene but were the last to arrive. An internal investigation will reportedly look into whether the officers really arrived at the scene or just pushed a key on their personal data ter-

minal to falsely report having arrived.

**INDIANA** — South Bend police will be sporting a new look after officers overwhelmingly endorsed the idea of more casual, comfortable uniforms. The new navy blue uniforms will be made from a polyester/cotton blend and have a patch badge on the chest. The pants will be "cargo" style and the new holster will be made from nylon instead of leather. Cpl. Jeff Chamberlain said the new uniforms will "be a little cooler, more moveable and there will be less hanging off of it, no heavy brass."

After weeks of investigating complaints from neighbors about chemical odors, Columbus police discovered a methamphetamine lab in an apartment next to a child daycare center. Police were called to the apartment by utility representatives who reported stolen electrical service. A Columbus narcotics officer called it one of the "more heinous scenes we have encountered."

**KENTUCKY** — After receiving a taunting letter from a man who had eluded police for close to eight years while wanted on burglary charges, Louisville police used DNA from the envelope to connect the man to three rape cases. John Thomas Boston was arrested in Dallas in April after police traced him through calls made on his cell phone. The letter, which contained pictures of himself and his girlfriend at the Canadian border and a fingerprint stamped in ink, said "By the time you receive this letter and pictures I will be out of the U. S. ...." Louisville Lieut. Joe Richardson noted that Boston probably didn't know about DNA technology.

**OHIO** — Canton is scaling back its community-policing program because of budget cuts and putting six bicycle patrol officers, a sergeant, three DARE officers and two foot-patrol officers back into patrol cars. Police Chief Thomas Wyatt said that putting more officers in patrol cars should save on overtime costs. The city must cut \$1.75 million this year and another \$4 million by late next year.

South Russell village police Sgt. David Viezer and Officer Michael Rizzo have been suspended without pay, for four weeks and 60 days, respectively, and will be required to undergo diversity counseling for harassing part-time officer Kevin Zeefe with anti-Semitic remarks. Viezer was also demoted to patrolman. Zeefe said that the penalties were not harsh enough, and that both officers should have been fired.

**WEST VIRGINIA** — Starting May 17, a state police helicopter is being used to patrol interstate highways in areas prone to speeding. While the helicopter checks for speeders, officers on the ground will stop the vehicles and check motorists for seat-belt use.

**WISCONSIN** — A Milwaukee police detective shot and killed a man who had been convicted of murder only minutes earlier. After the verdict was read, Laron Ball tried to throw himself out of a courtroom window, but was thwarted by bailiffs. He then leaped into the jury box and grabbed a bailiff's gun, shooting the bailiff in the leg. The detective who shot Ball had testified against him during his trial. Ball was convicted of killing Amon Rogers during a robbery last December.



## Plains States

**IOWA** — Doug Elrick, the state crime lab's only certified expert in recovering evidence from computer hard drives, is resigning to take a job with Digital Intelligence, a Wisconsin company that trains forensic computer specialists. Crime lab administrator Jerry Brown said state budget problems have made it uncertain as to when a replacement can be hired for Elrick, who averaged about 8 to 10 cases a month.

**KANSAS** — Thanks to new police procedures, drive-by shootings in Wichita are down significantly, to 48 last year compared to 262 in 1992 and 241 in 1993. While many of the shootings still go unsolved, police Lieut. John Speer, who leads anti-gang enforcement, said that prosecutors are able to file charges in about a third of the cases. After an incident, officers blanket the area of the drive-by and use laptop computers to access data on the roughly 1,600 members or associates of the city's 80 gangs and make arrests. Although they often can't accuse someone of the actual shooting, they apply other charges, typically weapons possession.

A 14-year-old boy appeared in Sumner County court on a probation violation May 13 after authorities searched his residence and found a potentially "very effective" homemade bomb, as well as documents and components related to bomb manufacturing. Sheriff Gerald Gilkey said that the boy had made a telephone threat to the high school he attended. The teen may now face charges of criminal use of explosives and making a threat toward a school, in addition to a probation violation.

**MINNESOTA** — The collective efforts of several Northfield city officials, including Police Chief Gary Smith, has resulted in the passage of a comprehensive clandestine drug lab and drug toxic dump ordinance. The ordinance expedites the process of condemning property, as well as its disposal or cleanup. In addition, it seeks punitive damages from owners who allow drug labs to operate on their property, and landlords may lose rental permits with the city.

**MISSOURI** — The Berkeley City Council has repealed an ordinance that gave civil defense auxiliary police nearly the same authority and rights as regular officers, including the right to ride in police vehicles and carry weapons. Police Chief Robert Jenne said that the original measure, which was more than 40 years old, was likely enacted to serve as "a civil defense mechanism" in the event of a nuclear threat, but was now outdated.

In an effort to cope with declining revenues, the city of Hazelwood is exploring a variety of ideas, including turning the city police service over to St. Louis County. Members of the Hazelwood police force, along with their spouses and community supporters, have formed the "Blue Ribbon Campaign" to support an independent city department.

Linda and Terry Rodewald got the nudes

of their lives when their routine ride-along with St. Peters police officers turned into a high-speed chase. As part of the city's citizen police academy, the couple were riding in separate patrol cars, both of which responded to a report of a problem at the Shop 'n Save. A Vandalia couple stole Sudafed and then ran down and killed the store's security guard. The suspects' truck eventually crashed, and they continued to flee on foot. Police arrested them and charged them with murder. Terry Rodewald later commented that he "couldn't believe that in real life something could go off so coordinated. It seemed like something that could only happen in the movies." The couple characterized the whole experience as extremely exciting, and the police as extremely professional.

The Union Station mall in St. Louis was the scene of protests on May 7 as about 150 demonstrators rallied against the facility's new policy barring clothes it considers "gang-related." The protesters said that the policy was racist and that it is really intended to bar African-Americans from the mall. Although other malls in the region and nationwide have similar policies, not all of them ban specific clothing items. The ban includes do-rags, bandannas, and wearing one pant leg or shirtsleeve rolled up.

**NEBRASKA** — Omaha Police Chief Don Carey has defended officers who temporarily removed 10 Asian children from two homes on child-abuse suspicions. The children had bruises on them that were caused by a folk-medicine remedy called coining, in which ointment is rubbed into the skin with a coin or a spoon. Both cases were eventually dismissed. "The fact it was a cultural issue continues to be debated," said Carey. "What would have happened if we would have ignored it?"

Mark Denny, a police officer in the north-central Nebraska town of Valentine, has been denied admittance to the state training academy, after its director decided that Denny lacked the character for police work. By state law, Denny can work for a year under a conditional certification before he has to quit and he can appeal the denial. David Stolz, legal counsel for the training academy said the decision was based on Denny's background, which included physical violence, a pattern of mental instability, and a lack of trustworthiness. The incident has sparked controversy and underscored the problems that small rural towns are having in hiring and retaining police officers.



**ARIZONA** — A jailhouse plot against Gov. Jane Dee Hull and Maricopa County Sheriff Joe Arpaio was thwarted when a prisoner came forward with a tip and an undercover investigation was launched. Authorities said Donald L. Cochran, 78, conspired with 65-year-old jail chaplain Robert G. Bradford and another inmate, 44-year-old career criminal Danny L. Warner, in a plot to kidnap Hull and hold her in the trunk of a car until she agreed to

pardon Cochran for failing to register as a sex offender, and then kill her and bury her near Prescott. Cochran also offered the undercover detective \$100,000 to kill Arpaio. The plan never went further than an exchange of some money.

**NEW MEXICO** — The state Department of Public Safety has agreed to clarify and improve its procedures regarding access to public records, as part of a settlement of a lawsuit. In addition to the \$14,500 paid to plaintiffs Judith Cooper and her husband, Robert Beck, DPS Secretary Tom English issued a directive reminding employees of their duties required by law. In the future, those who request information will get a list of examples and sections, instead of arguments from the department that something isn't public record.

The annual conference of the New Mexico Gang Task Force, held in Albuquerque in early May, drew more than 400 officers from 80 law enforcement agencies across the state. Task Force coordinator Steve Harvey pointed out that the most important purpose of the conference is networking in order to close "a gap between police officers and other sections of law enforcement." This year's conference had the highest turnout in three years.

**OKLAHOMA** — Tulsa police officers Lori and Buddy Visser have been ordered to pay \$150,000 in damages in connection with an April 2000 incident, in which a family claimed to have been terrorized during a traffic stop. The Vissers, who were off-duty at the time, said that they were driving behind Debra Miller and her three children when Miller's son Bradley threw something at Lori Visser's car. The officers then followed the car off the highway, pulled it over and drew their handguns. The Millers, who admitted that Bradley made an obscene gesture but didn't throw anything, said they were then forced out of the car and Bradley was pulled to the ground by his hair. Both officers lost their jobs over the incident but an arbitrator later ordered their reinstatement.

Bobby Triplett was on a field trip for his criminal justice class May 14 when he found a shotgun believed to be used in the fatal beating of a Creek County couple in March. The police had searched the wooded area where one of the suspects told them he dropped the weapon but failed to find it. When they resumed the search they brought a dozen students, including Triplett, from the course at Central Tech-Sapulpa. Three suspects have all been charged with two counts of first-degree murder and one of them faces an attempted rape charge for allegedly attacking the woman.

**TEXAS** — The Corpus Christi Police Department plans to focus first on the Lamar Elementary area in its new effort to rid neighborhoods of crime and disorder. The first phase of the police effort will call for an examination of code violations in order to identify areas with high crime rates as well as pervasive quality-of-life problems, and attempt to clean up the neighborhood. Officers from several divisions will then flood the area. The Lamar area was chosen because of its high crime rate and an excessive call volume that generated 11,899 calls from Jan. 1, 2001,

to April 30, 2002. Among the arrests in that area were many for public intoxication, prostitution and felony drug possession.

**UTAH** — Judges in a central Utah judicial district say they may follow the lead of their counterparts in southern Utah in defying a law that requires them to install gun lockers at courthouses for visitors carrying concealed weapons. The southern district issued an order invalidating the gun-locker mandate passed by the state legislature.

The Salein City Council has approved an ordinance that bans the practice of racial profiling. Police Chief Brad James said that although racial profiling has never been a problem in the small town, the action was taken to bring the city into compliance with a new state law that requires such a policy.



**ALASKA** — A 19-year-old from Anchorage has been charged with vehicle theft and assault after smashing the sport utility vehicle he stole from a used-car dealership into two police cars that were trying to stop him. Cortney Shivers accelerated into one patrol car and then put the stolen SUV into reverse and smashed into the other, before the two officers, who were not injured, pulled him and his two passengers out of the vehicle. The passengers were each charged with criminal mischief.

**CALIFORNIA** — The Riverside County Sheriff's Department is having a hard time recruiting deputies, especially since the Sept. 11 terrorist attacks, as many potential recruits are opting for jobs as city police officers and firefighters or are staying in the military. The department has created a Recruiting, Retention and Diversity Commission that will examine recruiting efforts and make recommendations for improvements.

Following an internal affairs investigation, Sacramento Police Officer Darryl Rosen has been accused of sexually assaulting six women, including the rape of a 16-year-old girl in his patrol car. Police Chief Arturo Venegas Jr. has ordered a review of Rosen's job history to determine if anything was overlooked in the hiring process and whether the department provided sufficient oversight.

Santa Cruz officials have approved a trial program to install needle-disposal boxes at sites like public restrooms. The plan was adopted after seven reported incidents of park and recreation workers being stuck by needles in the past five years.

**HAWAII** — The Honolulu Police Department is pulling its fleet of three-wheeled golf-cart-type vehicles from the street and replacing them with the familiar blue-and-white Ford Crown Victoria police cruisers. Spurred by safety concerns, the switch is expected to save the department \$441,600 a year in hazardous-duty pay. According to

Assistant Chief Stephen Watarai, in 2000, there were six accidents stemming from use of the vehicles, which reportedly tip over easily. Some officers suffered broken legs and in one instance, an officer's hand was almost severed.

Maui Police Officer Donald Nakooka was fired after it was discovered he shot himself and then claimed to have been shot in a traffic stop. Police had conducted a weeklong manhunt for a suspect.

**IDAHO** — Caldwell police are seeking an ordinance that would shift the cost of responding to false alarms from the police department to the alarm owners — even if the alarm owner happens to be the city. Capt. Gary Maybon said that in a three-month period studied by the department, police responded to 510 alarm calls, all of them false and many of them coming from City Hall. Under the new proposal, the first two responses by police would be free, but subsequent responses would cost from \$25 to \$100.

**NEVADA** — A group of high school students in Minden are criticizing a school anti-drunken driving program which they believe went too far. Several students started to cry when sheriff's deputies entered classrooms and told them of the deaths of classmates in drunken-driving accidents, only to find out later that it was part of a mock DUI crash. High school principal Charlie Condon defended the program.

**OREGON** — Oregon State Police recruit Gary Melvin Repp Jr. was arrested May 15 and charged with murder for allegedly shooting to death his pregnant wife. Kerry Repp's body was found on May 4 by her father when Repp was out of town on a camping trip with the couple's children. Kerry had filed for divorce but asked the court not to serve the papers as the pair were trying to work out their differences.

Statewide budget cuts are forcing sheriffs to turn prisoners loose because of a shortage of jail beds. Most leave before their cases — usually for nonviolent crimes — go to trial.

**WASHINGTON** — A Seattle City Council committee has recommended a plan to prevent racial profiling, which will require police officers to fill out a 17-question form after each traffic stop. Police are worried that the increase in paperwork will take time away from other law enforcement duties. The full council was to meet on the matter in mid-June.

Because of a \$5.9-million budget cut proposed by Spokane Mayor John Powers, seven police officers assigned to work with the city's School District 81 will be returning to patrol duties. Although law enforcement was the focus of the School Resource Officers program, which was launched two years ago as a joint effort by the school district and the police department, it also had an educational component that taught students about personal safety and the dangers of drugs. The school district will still have 11 commissioned officers, but those officers don't carry guns, give tickets or respond to car accidents at schools.



# People & Places

## Radio run

While radio shock-jock **Howard Stern** may not be looking over his shoulder yet, Annapolis, Md.'s newest drive-time personality, Officer **Hal Dalton**, is apparently winning a legion of fans who tune in each morning to hear the audio police blotter and his gently humorous take on it.

"It's exploding," Lieut. Robert E. Beans told *The Baltimore Sun*. "Officer Dalton has quite a following."

Before being assigned to the department's community services section five years ago, Dalton spent 20 years on patrol. Last year, he and Officer **Eric Crane** met with executives at WNAV 1430 AM, to explore the idea of broadcasting the daily reports called in from police headquarters.

The neighborhood watch log, weekday mornings at 8:20 a.m., is a mixture of news and community outreach. Each broadcast ends with Dalton's crime tip of the day, such as marking valuables with one's name or driver's license number. He tallies the calls for police service and frequently encourages listeners to call 911.

Dalton's all-business approach is laced with a disarming, gentle humor that obviously registers with listeners. When a squirrel was believed to be the culprit in a commercial burglary that left a businessman's office in disarray, he asked residents to be on the look out for a "four-legged, furry suspect."

In another burglary, Dalton said investigators believed the suspect "to be human."

"It does get humorous sometimes," he said.

The broadcast has become so popular that residents are signing up to receive Dalton's report via fax or e-mail. In May, the report became available by subscription, but prior to that, said Dalton, he sent it to anyone who asked — approximately 200 in total. City officials said the neighborhood watch report is among the most visited features on Annapolis's revamped Web site.

"People are really interested in what's happening in their communities," he said. "They want to know about arrests, about drug activity, of things to be on the look out for. Everywhere I go — especially at community group meetings — people tell me they want to know more about police activity."

## Fyfe's new tune

Atop the priority list for **James Fyfe**, the New York City Police Department's new director of training — beyond doing more with less and ensuring that in-service personnel know what's involved in the specialized assignments they may have — is getting police ready for their part in the fight against terrorism, a role they have not played since World War II.

The 50-year-old Fyfe had barely



**James Fyfe**

*Putting academia on hold*

settled into a new job as distinguished professor of law, police science and criminal justice administration at John Jay College of Criminal Justice, when he was hand-picked for the training post by Police Commissioner **Raymond W. Kelly**. A 16-year veteran of the NYPD with a Ph.D. in criminal justice, Fyfe retired in 1979 as a lieutenant and went

on to an academic and research career. He is the author of seven books, scores of articles and book chapters, and is a nationally recognized expert on the use of force and other police practices.

Fyfe, who was officially sworn in on May 30, will be responsible for the curriculum studied by rookies at the police academy, as well as in-service and firearms training.

"I think the single most important thing is recognizing that police, especially in New York, are now part of the national defense, trying to respond to Sept. 11, and working with the intelligence and counter-terrorism people that the police department has hired to reshape training at every level of the department," he told *Law Enforcement News*.

Prior to Sept. 11, the NYPD, like other law enforcement agencies, had not concerned itself with threats from abroad. It was more concerned with protecting the citizenry from itself, said Fyfe. The attacks raised a whole new set of issues which he acknowledged are not his area of expertise.

"I thank God that at this point a deputy commissioner for terrorism and a deputy commissioner for intelligence" were appointed, he said. "Among the group of us, we'll be able to figure out what patrol officers and others need to know and how to go about training them."

Among the training issues will be how to collect information and intelligence without violating constitutional rights and making the intelligence system more user-friendly for patrol officers, as well as making sure cops understand that, said Fyfe. "If you look back at 9/11, it was handled very well, but it was a situation that no one in the world anticipated or anything like that," he told *LEN*.

Fyfe is also up against the fact that the city has experienced an economic downturn. "That's really a big issue," he said. "They've cut back on overtime, that has taken people off the street. [The department] has already made terrific advances with the way [it has] deployed people with Compstat, but the question is, can you tailor it further?"

Something that Fyfe said he wants

to explore is distance learning where training courses are run over the Internet. The concept, he said, seems to offer great opportunities for police.

Another key focus of his job, said Fyfe, will be making sure that in-service personnel are adequately trained for specialized units. "I'm not sure that's so," he said. "The justification for specialization is that you need someone who is expert. I think we really have to take a look at whether the department has provided training for all the specialization. That has to be looked at carefully, especially with an eye toward Sept. 11. There are questions of accountability that have to be built into the training."

Fyfe has testified as an expert in a number of cases in the U.S. and in Canada. Two years ago, he appeared as a defense witness in the trial of the four officers charged with killing **Amadou Diallo**, an unarmed African immigrant who was fired on 41 times in the vestibule of his Bronx apartment building. It was not only appropriate for the officers to have pursued Diallo, who they believed resembled a wanted rapist, but necessary.

"Their job was to prevent him from getting out of their sight," said Fyfe, who is also an expert on the issue of racial profiling. The officers were acquitted of murder charges.

## Pressing concern

At 6-foot-1, 267 pounds, Creek County, Okla., Sheriff's Deputy **Jeremy Murrell** is so big, he doesn't have to fight.

Murrell, 26, recently won top honors at the World Association of Benchpressers and Dead Lifters when he bench-pressed 473 pounds. Named outstanding lifter in the 275-pound division, he also took first place in Class 1 and in the law enforcement and fire division.

"You don't rib Jeremy," Sheriff **Steve Toliver** told *The Tulsa World*. "He's the world-champion bench

presser."

Murrell began lifting in the seventh grade, training with **George Baker**, a reserve police officer and sixth-grade teacher in his hometown of Kiefer. Baker broke world records for his class in the law enforcement and fire, and masters' divisions. Baker's son, **Ben**, was also a winner in the Class 1 and men's junior divisions.

"The main thing for us is that it gives our town and our police force a little recognition," George Baker told *The World*.

Murrell also tried out for the Tulsa Talons arena football league team at one point, but chose law enforcement instead. And then there is his movie career. When a low-budget film was shot in Kiefer last year, Murrell landed a part as a hit man, Chief Deputy **Mike O'Keefe** recalled.

"When they were doing the movie, they plucked his eyebrows," O'Keefe said. "So we gave him an award at Christmas dinner for best-looking deputy."

## Animal instincts

Despite their feathers, fur and scales, the "urban misfits" who share a home with **Ulrike Neitch** are pretty tame for a bunch of exotic snakes, birds, spiders and assorted lizards.

Neitch, a Milwaukie, Ore., school resource officer, began her second career as den mother to these strays several years ago after volunteering to take home a large snake that had been found in a McDonald's parking lot by Clackamas County law enforcement officers. Since then, her menagerie has grown to include a tarantula, half a dozen birds, a 145-pound Burmese python, a 9-foot boa, and a 17-pound iguana.

Those she can't find homes for share hers, like the 2-foot caiman, a reptile similar to an crocodile, who lived in Neitch's bathtub. Every time she wanted to take a shower, Neitch told *The Oregonian*, she had to wrestle the critter into a zip-up sleeping bag. "That was a lot of work," she said.

Neitch, 37, receives calls from law enforcement agencies around Clackamas County, and from as far away as the Western Washington Humane Society in Vancouver.

"She's always been a reliable person to call when we get abandoned pets," said **Tracie Diamond**, animal care manager for the Oregon Humane Society. "She's probably taken in 20 or so turtles, and she takes care of her pets very well."

Unfortunately, "Officer Ulli," as she's called, will no longer be able to use her pets as a way of getting children to open up and discuss more painful topics, such as domestic violence and sexual abuse. "Animal abuse and domestic violence in families go hand in hand," she said.

Neitch's two-year assignment as resource officer for Milwaukie and Rowe middle schools was eliminated by Chief **Larry Kanzler** in March as a budget-cutting necessity.

"I've had kids flag me down in hallways after class, asking if they could talk to me privately about how they've been sexually abused or about how one of their parents has abused the other," she told *The Oregonian*.

## Now you see them, now you don't

Tenafly, N.J., police Capt. **Wayne Morrison** is considering legal action after borough council members last month appointed a lower-ranking official to be the municipality's next chief.

Morrison, a 29-year veteran, had been running the department on an interim basis since April 1 when Chief **Allen Layne** retired. While it was widely believed he would be named permanently to the post, Lieut. **Michael P. Bruno** was chosen instead.

Bruno, 43, has spent 18 years with the agency, most recently as head of the Detective Bureau. He was approved unanimously on April 30. In addition to meeting with four candidates for the job, the council also solicited input from 18 officers in a closed-door meeting — a procedure Morrison contended was unfair.

"I don't know what they said about me behind closed doors, and I had no opportunity to respond,"

he told *The Bergen Record*. "You don't run a popularity contest."

¶ In South Charleston, S.C., another chief of detectives was picked to head the department. Lieut. **David Dunlap**, 45, replaced Jim Miller, who died on March 19. Miller had an apparent heart attack after being visibly upset at a city budget meeting. "I don't plan to make any big changes," Dunlap told *The Charleston Daily Mail*. "Eventually, I hope to try to get started working with other agencies and get someone in the (Metro) drug unit."

¶ After coming under fire this year for the hiring of an officer with a troubled history, Mentor, Ohio, Police Chief **Richard Amiot** said he will retire at the end of 2002.

Amiot and City Manager **Julian Suso** were accused by council members and community activists of having known about Officer **Trevor Trask**'s past before bringing him on board. Trask, a former Ashtabula officer, was suspended seven times in

seven years for infractions which included downloading pornography on a police computer and borrowing \$3,000 from a felon.

Suso denied having known that information. He fired Trask on April 24 after it was disclosed, he said. Amiot's retirement after 37 years on the force, 18 of them as chief, was not forced, the city manager said; the two had been discussing it since late last year.

¶ Pleasantville, N.J., Police Chief **Richard L. Gray** is giving up his position in July after a 22-year career that included narcotics enforcement assignments at the federal, state and local levels and graduation from the FBI National Academy.

Gray, 45, began in law enforcement as an auxiliary/special police officer in Atlantic City in 1980 and joined the Pleasantville force in 1985. He was named chief in 1998. Gray said he is retiring due to an injury he received on the job in 1996.

¶ In addition to raising money for

a \$1-million memorial to honor Massachusetts' fallen police officers, **John Gallagher Jr.**, chief of the Boston Police Department's Bureau of Investigative Services, also hoped to raise consciousness about organ donation during a 500-mile bike ride that he and 65 other Bay State lawmen took in May.

The 50-year-old Gallagher donated part of his liver to save his mother's life. Agnes Gallagher was stricken with biliary cirrhosis in February 2000 and near death. The only way to save her was a transplant. The transplant didn't take, and another liver donated by a stranger only prolonged her life for 10 months, yet it gave Gallagher and his family another Easter with his mother, who saw her 71st birthday.

"For me, it was a wonderful opportunity to be able to give the gift of life to someone who gave me life," he told *The Boston Herald*.



# Curriculum questions thwart graduation for some Pa. recruits

State auditors from Pennsylvania's Municipal Police Officers Training Commission held up the graduation this month of a 28-member academy class at Beaver County Community College after concerns were raised about the soundness of the school's curriculum.

According to E. Beverly Young, the commission's administrative officer, auditors were investigating the eligibility of a firearms instructor and whether the students received physical fitness instruction. The commission does not yet have all of the records it needs, including grades and attendance sheets, Young told Law Enforcement News.

One of the instructors, she said, has been certified by the commission, but not necessarily in firearms. For another instructor, the commission has no certification records at all.

In January 2001, the basic course of study was raised from 525 hours to 750 hours to include more material on community policing, ethics and legal issues, said Young. The curriculum is changed periodically, she said.

"We have to review, everything about police work changes and we try to listen to the school directors and

people in the field who say they need more information than this," said Young. Also included in the new curriculum are techniques on how to defuse volatile situations without resorting to deadly force. "We have expanded it in that fashion."

The September 2001 class, which was to have graduated this spring, is the first to be audited under the new requirements.

"BCCC is being very cooperative," Young told The Pittsburgh Post-Gazette. "Once we have all the documents in front of us, we can lay things out and see what we do have and what we can give them credit for. We're asking everyone to be patient. We want to do this right so no is shortchanged. We want to make sure there is integrity in the program."

The community college's academy has been operating for 26 years. Students who complete the program can apply for certification as police officers after being hired by law enforcement agencies. The commission is an arm of the State Police and oversees 21 training academies throughout Pennsylvania.

Michael J. Macon, the college's vice president for academic and student services, said officials had turned to the commission when its academy director, Ron Bernot, failed to provide timely answers to questions about the new curriculum.

Bernot was removed from his position on May 8 after having led the academy for 10 years. He remains on the college's criminal justice faculty, however. Macon said that Bernot has a personal problem "which affected his ability to administer the program."

But he also charged that the commission had failed to respond to requests for information. As a result, college officials were among the last to find out that serious problems existed. "We were looking for clarification [from the commission] in some areas," he told The Post-Gazette.

But Young maintained that no record of correspondence or phone calls between Macon and the commission exists. "He has indicated there were telephone calls, but we don't know by whom the calls were received," she told LEN. "We don't ignore people calling us."

# Yes, Virginia, there is a Saudi clause

## Richmond academy trains Arab police

When Richmond, Va., natives greet each other far from home, they're known to say, "When you getting back to Mecca?" That expression, a token of their affection for the state's capital city, took on a literal meaning recently when the Richmond police academy graduated a class of 20 Saudi law enforcement officers who had been training there for the six months.

The contingent is the first from a foreign country to receive instruction at the academy. Even though the class began after Sept. 11, the Saudis, all supervisors on their country's national police force, encountered no negative feedback, said Licut. Roger Russell.

"We wanted to make sure they were comfortable and that there weren't any safety issues for them," Russell told Law Enforcement News.

The Richmond P.D. is planning another academy class as part of a three-year contract with the Saudi government, which is paying the Richmond department \$117,500 to cover the program's cost. In the third year, said Russell, either party has the option to back out of the agreement.

"As long as relations between our two governments remain favorable, we expect the academy to go off without a hitch," said Russell. "These people were not involved in Sept. 11. They expressed their regrets that this kind of thing happened. They're good officers, they're police officers and they're interested in learning from us and we're interested in learning from them."

The department was not responsible for conducting criminal background checks on the foreign exchange students, Russell said. "The background check was done at a different level, it was done though, I assure you." The contract with the agency guaranteed that they would be sworn officers.

According to Capt. Salman Al-Jamaa, a senior Saudi officer, Richmond was selected in part for its proximity to the Saudi Arabian Embassy in Washington and for the city's reputation for reducing its crime rate over the past few years. Of particular interest was Project Exile, a program that prosecutes anyone arrested for illegal firearms possession under stringent federal firearms laws.

"One thing they noticed was a lot of similarities in policing, no matter where you are," said Russell. "We put a lot of emphasis on skills training,

which would include firearms, and defensive tactics, operating an emergency vehicle. But we also did a lot with investigators.... I think you have to remember, they take a lot of pride in the way they do things, just as we would."

The biggest difference, he told LEN, was in the level of technology. For instance, Saudi officers do not have mobile computers in their cars. But they were most interested in honing their investigative skills, said Sgt. John Keohane, who supervised the classroom training. The academy provided them with classes in crime analysis, crime-scene processing, how to predict crimes, such as robberies, he told LEN.

They were also receptive to the department's officer survival training. Coming in contact with violence is much more infrequent in their country than it is here, said Russell.

Prior to the academy training, the officers - all captains and first lieutenants - study English in Saudi Arabia. They continue with an advanced language class at Virginia Commonwealth University for a total of nine months.

The officers came from all over Saudi Arabia, from urban areas as well as rural regions, said Russell. Each year, the National Police Command College in Riyadh graduates 600 officers after three years of training.

"When we did the Saudi graduation, it was actually very emotional," said Russell. "These folks, a lot of them, had developed the kind of relationships that made it very difficult for them to think about leaving the people they met here," he said. "It was really nice. It was a special thing."

# The right volunteer makes big difference for small N.H. agency

The police department in Weare, N.H. — a little corner hole in the snow, as its chief calls it — has become the envy of the State Police and even of the New Hampshire court system ever since a local volunteer created a computer program that cut the time it once took to process arrestees from several hours down to mere minutes.

The Fast Book software was developed by Walter Bohlen, a retired television computer graphics engineer and two-time Emmy-award winner. Bohlen, along with his son, Timothy, of Dunbarton, donated an estimated 700 hours to the department to streamline its arrest and warrant procedures. Now a computer consultant, Bohlen's services would have cost Weare an estimated \$90,000 or more.

"This is a small town, and he had come down and offered his services," said Chief Myles J. Rigney. "Once I found out about his technical expertise and background, we looked the door behind him. Poor guy, he doesn't get out of here."

Like many police agencies, Weare officers put in countless hours on pa-

perwork, Rigney said in an interview with Law Enforcement News. With no booking officer, patrol officers process their own arrestees. For each arrest, a dozen or so forms had to be typed manually. With Fast Book, all pertinent arrest information is entered into the computer just once. It automatically appears on all the necessary forms when the case number is input.

"I created a comprehensive booking system for the processing of booking paperwork," Bohlen told The (Manchester) Union Leader. "It was implemented in stages over a period of eight months, with different parts being completed and tied in. Each part was fully operational when released, but new ideas created new enhancements."

Bohlen modified the program's data-entry feature so that a magnetic strip can enter vital statistics from an arrestee's driver's license directly into the system with a single swipe. He also entered New Hampshire's criminal code into the database so that officers can scan felony and misdemeanor offenses, selecting the ones that apply.

The charge appears automatically on the criminal complaint.

"The entire process for the average arrest is 10 to 15 minutes," said Rigney. "We love it, can't get enough of it."

With the nearest state police barracks some distance from Weare, troopers often use the local department to process arrests made in the area. They were a little jealous of the agency's good fortune, said Rigney, so Bohlen set up the system so that it now takes all of the State Police forms, as well.

Word has spread, he said, and one of the state's top judicial officials has already set up an interview and demonstration with Bohlen. "Walter's biggest fault is he keeps volunteering for everything," Rigney told LEN. "We keep telling him, volunteering is nice, but you're going to be running all over the state."

Bohlen plans to market the Fast Book software package to other departments under the trade name Police Data Systems, at a price of approximately \$3,000. The warrant package will sell for \$500. Bohlen's Web site is [www.policedatasystems.com](http://www.policedatasystems.com).

## Preemptive strike:

# Steroid testing due for Illinois cops

A number of police departments in DuPage County, Ill., have added anabolic steroids to the roster of illegal substances for which officers are randomly tested.

Among the agencies are those in Wood Dale and Bloomingdale, with the latter believed to be one of the first jurisdictions in the area to add the drugs to the testing list. And Bensenville's director of public safety, Al Bettilyon, said it was likely that when the department's next labor contract was ratified in 2003, testing for steroids would be one of its provisions.

"It's just one more precaution that several departments are really begin-

ning to embrace, so I imagine we'll be talking about that when the time comes," he told The Chicago Daily Herald.

Anabolic-androgenic steroids are used to increase muscle mass and strength. Dr. Jeffrey Williamson-Link of Adventist Health Center in Glendale Heights pointed out. The synthetic compounds are typically used by athletes, but are also taken by police and others who work in physical environments, he told The Herald.

But the drugs also come with a host of adverse side effects, including increased risk of liver and kidney cancer, muscle and tendon injuries, severe acne

and trembling. Steroids can also cause emotional instability, with symptoms such as wild mood swings and "violent, even homicidal, episodes," according to a National Institute on Drug Abuse fact sheet. [See LEN, Feb. 14, 2000.]

"We keep in shape and realize there's no need for steroids in a professional police environment," said Duane Kroll, president of Bloomingdale's police union. Kroll was on the bargaining team in 2000 which agreed to the drugs being added to the testing list.

"Is that not an illegal substance?" said Wood Dale Chief Frank E. Williams, referring to anabolic steroids. "We basically entered it to drug testing to

make sure our officers wouldn't be on any illegal substances. They don't have any problem with that. And as long as [command staff] are included, the rank-and-file said they wouldn't have any problems with that."

Williams told Law Enforcement News that fitness has traditionally been a part of the department's operation. Yearly physicals are a required, with some officers sent for "complete executive physicals" every so often. Banning steroid use just makes sense, he said.

"If a substance comes up and it's not legal, you're in trouble," said Williams. "If it's a prescription medication, there's no problem."

## Law Enforcement News

Founded 1975

A publication of John Jay College of Criminal Justice, City University of New York. Gerald W. Lynch, President

Marie Simonetti Rosen  
Publisher

Peter C. Dodenhoff  
Editor/Associate Publisher

Jennifer Nislow  
Associate Editor

Nekeela Trechier De-Haarte  
Subscriptions

Nancy Egan  
Contributing Writer

Correspondents: Walt Francis, Tom Gitchoff, T.L. Tyler, Ron Van Raalte

Law Enforcement News is © 2002 and published twice monthly (once monthly during July and August) by LEN Inc. and John Jay College of Criminal Justice, 555 West 57th Street, New York, NY 10019. Telephone: (212) 237-8442. Fax: (212) 237-8486. E-mail: [len@jjay.cuny.edu](mailto:len@jjay.cuny.edu). Subscription rates: \$28 per year (22 issues). Advertising rates available upon request.

Requests for permission to reprint any portion of Law Enforcement News in any form should be addressed to Marie Simonetti Rosen, Publisher. ISSN: 0364-1724. Law Enforcement News is available in microform from University Microfilms Inc., 300 North Zeeb Road, Dept. PR, Ann Arbor, MI 48106.



# The FBI gets ready for a makeover to confront the anti-terrorism era

Continued from Page 1

Attorney General John Ashcroft said he will also ease 25-year-old restrictions on the FBI's ability to conduct domestic spying. Agents will now be able to surf the Internet and visit online chat rooms to search for evidence of terrorists' preparations, use data-mining services to help develop potential leads, and initiate counterterrorism inquiries without waiting for approval from FBI headquarters. Inquiries could last from 180 days to a year before being reviewed by officials, according to a report by The New York Times.

"Under the new rules, we allow the field to conduct the investigations and we will give headquarters the ability to analyze the information," a senior Justice Department official told The Times. "No longer will there be disparate pieces of information floating around in isolation in different parts of the country. Now you have a much greater ability to connect those dots."

Justice officials said the bureaucratic and procedural changes address a number of the criticisms raised by Special Agent Coleen M. Rowley, a 21-year veteran of the FBI who became a star witness in early June in hearings before the House and Senate Intelligence committees.

## Strong Words from the Field

In a 13-page letter sent to Mueller on May 21, Rowley, who is chief legal counsel for the Minneapolis field office, detailed the ways in which FBI officials thwarted efforts by field agents to aggressively investigate Zacarias Moussaoui, then being detained for immigration violations and who is now charged with conspiring in the Sept. 11 attacks. [See sidebar]

## Agent's memo to Mueller turns up the heat under questions of what the FBI knew, and when.

Rowley wrote that agents' suspicions that Moussaoui might be a terrorist threat based on his flight training "quickly ripened into probable cause" when, within days of his arrest by the Immigration and Naturalization Service on a visa violation, the French Intelligence Service confirmed Moussaoui's affiliation with radical Islamic causes and Osama bin Laden.

FBI headquarters officials rebuffed agents' requests to authorize a search warrant for his laptop, despite the information from the French government, deeming the evidence insufficient for probable cause. A search warrant was finally granted on Sept. 11, Rowley noted, but the only difference in evidence was that by then, three jetliners had crashed into the World Trade Center and the Pentagon. A search of Moussaoui's computer revealed data on the cockpit layouts of commercial jets and telephone numbers in Germany for the roommate of Mohammed Atta, the ringleader of the attack.

## Not Just 20-20 Hindsight

"The problem with chalking this all up to the '20-20 hindsight is perfect' problem, (which I, as all attorneys who have been involved in deadly force training or the defense of various lawsuits are fully appreciative of), is that this is not a case of everyone in the FBI

failing to appreciate the potential consequences," Rowley wrote, going on to note the memo from a Phoenix field agent, received by headquarters in July, which warned of terrorists attending U.S. flight-training schools.

Rowley's letter then outlined the extraordinary measures agents took to obtain a search warrant and disseminate information about Moussaoui to other intelligence and law enforcement authorities.

"When, in a desperate 11th-hour measure to bypass the FBIHQ roadblock, the Minneapolis Division undertook to directly notify the CIA's Counter Terrorist Center," she wrote, "FBIHQ personnel actually chastised the Minneapolis agents for making direct notification without their approval."

"I think it's very hard for the FBI to offer the '20-20 hindsight' justification for its failure to act," Rowley observed. Even after the attacks on Sept. 11, she said, the official who had blocked the agents' efforts continued to thwart attempts to search Moussaoui's computer, "characterizing the World Trade Center attacks as a mere coincidence with Minneapolis' prior suspicion about Moussaoui."

## No Added Bureaucracy

Among the other points Rowley made in her letter were that acknowledged mistakes made by headquarters should not lead to an increase bureaucracy and levels of approval.

"Most often, field office agents and field office management on the scene will be better suited to the timely and effective solution of crimes, and in some lucky instances, to the effective prevention of crimes, including terror-

ism incidents," she said. "Although FBIHQ personnel have, no doubt, been of immeasurable assistance to the field over the years, I'm hard pressed to think of any case which has been solved by FBIHQ personnel and I can name several that have been screwed-up!"

Rowley's letter was prompted, in part, by what she and others in the Minneapolis field office perceived as FBI officials' attempts to "circle the wagons" when news about Moussaoui leaked out.

## Compiling a Chronology

What the FBI knew and when it knew it has become a focus of fierce debate, putting Mueller in a position of having to defend both the agency and his job in recent weeks.

According to a timeline compiled by USA Today, the FBI had had information regarding four suspected 9/11 conspirators since January 2000, when the CIA passed along a copy of Khalid Al-Midhar's passport showing a visa that enabled him to enter and leave the United States multiple times. In July 2001, Phoenix-based FBI agent Kenneth Williams urged the bureau to investigate the activities of Middle Easterners at U.S. flight schools because bin Laden might be sending operatives to train in preparation for an attack. The following month, after a flight instructor had reported his suspicions to the FBI, Minneapolis field agents and immigration officials arrested Moussaoui.

"They had the concept that this could happen," a retired senior FBI official told The Times. "This guy in Phoenix added some detail, and then you had the Moussaoui case. It was all there for someone to piece together."

# The bombshell

(Excerpts from Special Agent Coleen Rowley's May 21 memo to FBI Director Robert Mueller.)

"I have deep concerns that a delicate and subtle shading/skewing of facts by you and others at the highest levels of FBI management has occurred and is occurring.... I feel that certain facts have, up to now, been omitted, downplayed, glossed over and/or mischaracterized in an effort to avoid or minimize personal and/or institutional embarrassment on the part of the FBI and/or perhaps even for improper political reasons...."

"The Minneapolis agents who responded to the call about Moussaoui's flight training identified him as a terrorist threat from a very early point. The decision to take him into custody on August 15, 2001, on the INS 'overstay' charge was a deliberate one to counter that threat and was based on the agents' reasonable suspicions...."

"It is obvious, from my firsthand knowledge of the events and the detailed documentation that exists, that agents in Minneapolis who were closest to the action and in the best position to gauge the situation locally, did fully appreciate the terrorist risk/danger posed by Moussaoui and his possible co-conspirators even prior to September 11th. Even without knowledge of the Phoenix communication (and any number of other additional intelligence communications that FBIHQ personnel were privy to in their central coordination roles), the Minneapolis agents appreciated the risk...."

"Key FBIHQ personnel whose job it was to assist and coordinate with field division agents on terrorism investigations... (and who theoretically were privy to many more sources of intelligence information than field division agents), continued to, almost inexplicably, throw up roadblocks and undermine Minneapolis' by-now desperate efforts to obtain a... search warrant.... HQ personnel never disclosed to the Minneapolis agents that the Phoenix Division had, only approximately three weeks earlier, warned of Al Qaeda operatives in flight schools seeking flight training for terrorist purposes...."

"Although the last thing the FBI or the country needs now is a witch hunt, I do find it odd that (to my knowledge) no inquiry whatsoever was launched of the relevant FBIHQ personnel's actions a long time ago.... It's true we all make mistakes and I'm not suggesting that HQ personnel in question ought to be burned at the stake, but we all need to be held accountable for serious mistakes...."

"Mr. Director... you do have some good ideas for change in the FBI but I think you have also not been completely honest about some of the true reasons for the FBI's pre-September 11th failures. Until we come clean and deal with the root causes, the Department of Justice will continue to experience problems fighting terrorism and fighting crime in general...."

"An honest assessment of the FBI's mistakes in this and other cases should not lead to increasing the Headquarters bureaucracy and approval levels of investigative actions as the answer. Most

often, field office agents and field office management on the scene will be better suited to the timely and effective solution of crimes and, in some lucky instances, to the effective prevention of crimes, including terrorism incidents.... Although FBIHQ personnel have, no doubt, been of immeasurable assistance to the field over the years, I'm hard pressed to think of any case which has been solved by FBIHQ personnel and I can name several that have been screwed up! Decision-making is inherently more effective and timely when decentralized instead of concentrated...."

"If prevention rather than prosecution is to be our new main goal (an objective I totally agree with), we need more guidance on when we can apply the Quarles 'public safety' exception to Miranda's 5th Amendment requirements. We were prevented from even attempting to question Moussaoui on the day of the attacks when, in theory, he could have possessed further information about other co-conspirators. (Apparently, no government attorney believes there is a 'public safety' exception in a situation like this?!)"

"I have been an FBI agent for over 21 years and, for what it's worth, have never received any form of disciplinary action throughout my career.... Due to the frankness with which I have expressed myself and my deep feelings on these issues... I hope my continued employment with the FBI is not somehow placed in jeopardy. I have never written to an FBI Director in my life on any topic. Although I would hope it is not necessary, I would therefore wish to take advantage of the federal 'Whistleblower Protection' provisions by so characterizing my remarks."

# Locals weigh options

While it is still too early to assess the impact that the withdrawal of the FBI from many joint initiatives will have on state and local law enforcement, reactions by departments run the gamut from cautious optimism to concerns of a now heavier burden.

"At this point, we have no fear that the FBI's support of our investigations is going to decline," Amy Bertsch, an Alexandria, Va., police spokeswoman, told The Washington Times. "After the attacks last fall, we were told not to expect any special FBI agents to automatically respond on our bank robberies, and yet the first bank robbery we had, there they were on the scene immediately."

State and local law enforcement officials in Minnesota said that they can cover any crime-solving gaps that will be left by the FBI's new emphasis on terrorism prevention. Said Hennepin County Sheriff Pat McGowan: "In all fairness, people want the FBI to be everything to everybody. We all need to figure out how to provide the most efficient level of public safety."

McGowan is working with the bureau to develop a plan for those cities within his jurisdiction that do not have the capacity to respond to bank robberies.

But in other areas, police and local officials are worried that law enforcement will be left short-handed, particularly in narcotics investigations. Unless money is shifted to the Drug Enforcement Administration or the Internal Revenue Service, the city of Chicago will suffer once the FBI removes its agents, said Mayor Richard Daley.

Federal agents also help the Peoria County, Ill., Sheriff's Department with its gang enforcement, said Sheriff Chuck Schofield. "I know they have big responsibilities, but I'd hate to have the relationship affected," he told The Associated Press.

In Kentucky, where the FBI has fewer than 100 agents assigned, the bureau plans to become more selective in the cases it takes on. In eastern Kentucky, much of the bureau's efforts are directed at drug enforcement. Some 42 percent of the 145 FBI-led cases that resulted in convictions in 1998 were drug related, according to The AP.

A Kentucky State Police spokeswoman, Lieut. Lisa Rudzinski, said drug caseloads in that area had already begun to increase when the bureau refocused on terrorism after Sept. 11.

At the annual meeting of the Police Executive Research Forum in early May, FBI Director Robert S. Mueller told police officials that in the post-9/11 era, the bureau can no longer "be all things to all people."

Did fears of profiling hamper the FBI?  
See Page 8.



# Cops, MDs find common ground against violence

Both groups hold a wealth of information about crime and violence, but rarely do those in the medical and law enforcement communities breach their professional boundaries to share information. In Richmond, Va., however, a program now in its fifth year has quietly been making inroads, addressing the issue of community violence from the two different environments that police and doctors inhabit.

Called "Cops & Docs," it is more a strategy for dealing with violent crime than an actual initiative with assigned officers, noted Colleen McCue, supervisor of the Richmond Police Department's Crime Analysis Unit. The agency felt it would be "shorting itself" if it only committed a limited number of officers to the project. Instead, she told Law Enforcement News, officers are free to avail themselves of the training either on or off the clock with their supervisor's permission.

"It's an approach the whole department has assumed and it's this understanding that sure, we can deal with violence as a police department by ourselves, but we can have a much greater impact, particularly in the prevention arena, if we partner with our health-care people across the street," she said.

According to McCue, Cops & Docs began informally when some homicide and violent-crime investigators were sent to lecture on violence at the University of Richmond's medical school. In the "meeting after the meeting," participants quickly became aware that police and trauma surgeons were essentially working two sides of the same coin. With the realization of how mutually beneficial the sharing of data could be, the project was developed.

"So many times the victims, the witnesses, the perpetrators, the suspects...you get into this whole cycle of things," said McCue. "It just made sense for us to start working together. There are things that police know that physicians can reinforce and between the two groups, we could actually make headway, whereas one group working by itself was having limited success."

Criminal offending holds huge risks for intentional injury, particularly drug dealing and substance abusing, she said. While injuries caused by sheer bad luck are not something that can be changed through intervention, trauma as the result of engaging in high-risk behavior is, said McCue. "We knew we had similar populations, we knew there were data resources that had real value, if we

could share them."

For instance, she said, police know what types of weapons are being used on the street, information that is valuable to trauma surgeons. Similarly, emergency room personnel often see the medical consequences of emerging drug markets before the substances become illegal, and thus are able to draw the attention of law enforcement.

One current concern in that vein, McCue noted, is the use of so-called rave drugs. Often, overdoses of Ecstasy and GHB resemble acute alcohol poisoning, but if the police department's narcotics personnel say that they are seizing tremendous amounts of the rave drugs, medical personnel will have a better idea of what they are looking at when a victim is brought in.

The Cops & Docs effort cross-trains police and medical personnel, with police officers and detectives brought over to the emergency room to become more comfortable in a place where they are called on to interview witnesses, victims and family members.

"There are times when the trauma surgeon would do the tour," said McCue, "and they would literally say, 'When you come into my ER, you see this red line on the floor?' You stand

on one side of the line and we'll get along real well. I'll see you there and I'll know what you need to do. When there's a good break, I'll have you come over and talk to my victim when they're medically stabilized."

For its part, the police department has taken health-care personnel on ride-alongs in the neighborhoods that many of their patients call home. Seeing how the culture of violence can pervade certain communities has helped medical personnel to understand and even put in place more realistic discharge planning, said McCue.

After an officer was killed in the line of duty several years ago, raising ques-

tions about the effectiveness of bullet-proof vests, McCue had physicians brought over to the training academy and outfitted in vests, full-duty belts and issued firearms so they could take part in training simulations.

"There was kind of a status shift because for a long time, the cops were real intimidated by the medical degrees," she said. "But in this case, they were the experts. One of the more cocky physicians said afterward that by the time the scenario ended, he really felt the weight of the vest. It's a real physical job and even in these not-the-real-world scenarios, they learned a lot," said McCue.

## Even in LA, DARE's fate is up in the air

While jurisdictions nationwide have reconsidered and in some cases discarded the DARE program in recent years, police in the city of its birth — Los Angeles — have fought hard in the past few months to keep their cherished anti-drug abuse initiative off the chopping block.

But in early May, the Los Angeles Police Commission voted unanimously to reassign a minimum of 35 DARE officers to other duties, effectively halting it, at least for now, at most middle and high schools throughout the city. The move was made by fiat after a go-round with police officials at a board meeting in April. The move will still leave DARE with 44 officers, but eventually, the police commission would like to see the number of sworn personnel involved in the program cut back to just six, with the slack picked up by civilians or retired officers.

Deliberations over the fate of the Drug Abuse Resistance Education program began in February in response to protests from Boyle Heights residents over rising gang violence. While the program had already lost officers as a result of the LAPD's overall personnel shortage, the drain was not as severe as it was in other specialized units. Under the commission's plan, DARE employees will be assigned to the department's Narcotics Division, where 131 of 354 positions are vacant. Drug enforcement is viewed by the commission as a key to stemming a rise in violent crime in a year that has so far seen a 39-percent increase in homicides.

But as the police commission found out, rejecting Bernard C. Parks for another five-year term as chief was far easier than gutting the LAPD's DARE program.

Speaking on behalf of the program,

police brass and DARE executives argued that it was an invaluable preventive tool in the fight against drug use by adolescents, as well as one of the department's premier mentoring initiatives. Said Charlie Parsons, executive director of DARE America, "To consider dropping DARE is incredible."

The commission, however, contended that in light of the personnel shortage, the LAPD could not afford to keep 71 officers assigned to DARE. Department officials had been given three months to come up with a way to staff the program, but perhaps not with sworn personnel.

"Didn't we ask for some creative solutions?" asked Commissioner Silvia Saucedo at a recent meeting. "Wasn't that due to us today?"

When no answer was forthcoming from police officials, commission president Rick Caruso rejoined: "Yeah, it was. And we got a new memo that just says, 'No.'"

Police officials, he said, seemed to believe it was all or nothing and that using civilians or retirees, as the commission suggested, would not work.

Said acting chief Michael Bostic: "I don't think eliminating units is the answer." The program would never recover, he said.

Noting the way in which the two parties seemed to debate past each other, Caruso called it a "cultural thing." There is a history, he told The Los Angeles Times, "of giving an answer that is not really an answer and hoping it just goes away."

Caruso said he would ask the Los Angeles Unified School District police force to help continue the program. While he did not want to reassign any more officers, he said he would bring the number down to 30 if he had to.

## Montana HP pact with tribe gets last-minute reprieve

In an 11th-hour turnaround, a contract between the Montana Highway Patrol and the Blackfeet Tribe in Browning, which allows state officers to cite and arrest Indians for prosecution in tribal court, was extended in early May to run through Aug. 31.

The decision by the tribal council reversed a unanimous vote less than a month earlier which had nullified the agreement amid accusations of racial bias. Council members said that highway patrol officers were overstepping their authority when they patrolled streets and housing areas, arresting tribal members at their homes on tribal warrants.

"One of the main issues was the racial profiling of Indian members here," said Councilman James St. Goddard. The agency, he told The Great Falls Tribune, had failed to provide officers with cultural diversity training as stipulated in the contract. "The highway patrolmen they send to us are very racist people," he said. "If we were allowed to train them to not be racist, I think it would be best."

The head of the highway patrol, Col. Bert Obert, told Law Enforcement News that he was taken by surprise that the tribe felt the way it did. "We weren't aware — and I'll take part of the blame for that — that they had some heartburn with the way things were being done. We would have preferred some communication prior to that which would have allowed us an opportunity to meet with them before the decision was made."

The MHP and the state attorney general's office are currently exploring with the tribal council what changes need to be made within the contract, said Obert.

Cross-deputization is one of the items on the agenda and is favored by the Federal Law Enforcement Reform Act because of the scarcity of law enforcement resources in Indian country,

said Sarah Bond, an assistant state attorney general. Some of Montana's Indian reservations are as large as entire states back east, she said, but with population densities so low that it is difficult to create a sufficient police presence.

As matters now stand, MHP officers under federal law do not have criminal jurisdiction over Blackfeet or other Indians, nor does tribal law enforcement have criminal jurisdiction over non-Indians. In fact, said Bond, sheriff's officers and highway patrol troopers cannot make an arrest even if the victim is an Indian and the perpetrator a non-Indian.

Had the contract been canceled, MHP officers who caught a tribal member speeding on Highway 2 or Highway 89, which cross the reservation, would have had to called in a Blackfeet police officer to write up the citation or make the arrest. Under the extended agreement, if a tribal member has committed an arrestable offense, highway patrol officers would ticket and transport the individual to the Blackfeet jail or the appropriate tribal law enforcement officer. The MHP officer then shows up in tribal court as a witness for the prosecution.

By cross-deputizing, the agencies could double their resources without additional insurance costs. The attorney general's office would also like to see county law enforcement involved, as it is in Fort Peck, Bond said. If Blackfeet law enforcement officers were deputized by the Glacier County Sheriff's Office, they could then enforce criminal law if they came upon a fight or a similar offense.

"They could take the non-Indian [to jail], you don't have to stand around and take everybody where they're supposed to go," she said. "It's much more efficient in terms of the safety of the people on the reservation, a much more efficient use of law enforcement resources."

There's no loss of jurisdiction to anybody, because everybody is acting as an agent of the other one."

Obert said the highway patrol has developed a training video on cultural diversity and bias-based policing, which it will send to every one of its officers statewide as part of the agency's in-service training.

All officers who work on the reservation have attended cultural awareness workshops, he said, and traffic stops are documented and filmed. The agency is willing to review these tapes to check for specific problems.

The allegations of racism, he said, stemmed primarily from the high number of citations and arrests made on the reservation. But with 60 percent to 80 percent of the population being native American, said Obert, it stands to reason that the majority of those charged will be, too. Blackfeet tribal members felt that the MHP should not be patrolling the side roads and residential areas, but should limit itself to Highway 2 and Highway 89, which cross the reservation, he said.

"I can understand that," said Obert. "The economy is an extremely critical element on reservations, not just Blackfeet, but everywhere. There is tremendously high unemployment and when that happens, people are not always able to carry insurance and keep their vehicles licensed," he said. "If we focused on the highways where crashes and significant deaths occurred, [tribal members] felt we would all be better served, and I guess in that context, I would have to agree with that."

However, traffic safety covers all public roads, said Obert. Given the limited number of officers and resources available, the MHP believes it would be able to better serve the population both on the reservation and in the area immediately on the outskirts through a full cross-deputization agreement, he said.

## Put some more bulk in your reading diet:

Law Enforcement News is available on a limited basis for bulk distribution to professional conferences, training groups, college classes and other gatherings. For more information on how you can help improve the reading diet of your colleagues, please contact the Circulation Department at (212) 237-8442.



# BJS study: Women, minorities gained in policing in the 1990's

Continued from Page 1

sociate professor of police science at John Jay College of Criminal Justice. In fact, representation as a percentage of population, she told LEN, is a "false issue." It is still highly unlikely that as many women as men want to be police officers, she said, insisting that the larger issue is whether those who do want to enter law enforcement are given an equal opportunity to do so.

Recent studies have indicated that once women go through the pre-employment process, they graduate from academies at the same number at which they enter, suggesting that discrimination at the recruit level has subsided, said Schulz. Whether or not departments are doing more to get women to apply is not readily apparent.

"We don't know for sure, but we can backtrack and say if the numbers are going up, that must reflect that more women are applying," she said, "because either the same number of women are applying and police departments are taking more of them, or more of them are applying and they're being accepted in the same numbers. The raw figures don't tell us that."

Detroit, Philadelphia and Pittsburgh had the highest proportion of women in their police ranks in 2000, 25.3 percent, 24.2 percent and 24.6 percent respectively. The greatest increase from the start of the decade was in Philadelphia, where women made up 14.7 percent of the force in 1990.

In Milwaukee, the number of women on the job grew from 8.6 per-

cent in 1990 to 16.3 percent a decade later, said the report. "Police Departments in Large Cities, 1990-2000." Minority representation also nearly doubled during that period, from 17.5 percent to 33.4 percent.

The Wichita, Kan., Police Department also nearly doubled its cohort of female officers, which rose from 5.9 percent in 1990 to 10.7 percent in 2000. Black and Latino officers increased from 7.8 percent to 17.9 percent.

"There was no specific plan throughout those 10 years," Deputy Chief Terry Moses told LEN. "We had a variety of supervisors, a variety of people involved. I wish I could tell you there was some magic blueprint, but I'm not aware of any."

Moses attributes much of the increase in women — which has fallen somewhat in the past year or so — to popular culture. "I hate to say this, but if you look back through the 1990s, that's when there were a couple of TV shows that emphasized women in policing," she said. "Just like right now with 'CSI.' Ten years ago, or five years ago, I couldn't find anybody who wanted to be CSI. Now I have so many applications, I can't stand it."

Increasing the number of women and minorities on the force has also been a byproduct of the department's move to community policing, observed Moses. One-on-one contact with police at community meetings increases awareness of the law enforcement profession. "I really think most of these increases nationwide have been attrib-

uted generally to the public's knowledge of women in policing, and minorities in policing," the deputy chief said.

Credit for improving the diversity of the St. Paul, Minn., Police Department should go to Chief William K. Finney, said the agency's spokesman, Michael Jordan, who told LEN that "focused activity and commitment from the chief [was] pivotal."

St. Paul more than doubled its number of female officers — from 7.1 percent to 16.1 percent — and increased the ranks of minorities from 9.2 percent to 13.4 percent during the 1990's.

Under the Minnesota law-enforcement training and licensing system, recruits must earn a two-year associate of arts degree in law enforcement in order to be hired. With relatively few blacks, Hispanics or women generated by that system, Finney structured several other pathways, providing opportunities for park enforcement officers and park rangers, among others.

"We were able to draw as many as we could from the traditional system by creating an environment where those few females and people of color who came through the regular system know that if they had an opportunity, this might be the most forward thinking and hospitable department to them," said Jordan.

Large cities have always had a higher percentage of women on the job, Schulz observed. Those departments offer a host of advantages, including a broader range of assignments, non-residential academies and better maternity

policies.

In some cities, she said, selling a law enforcement career to women is easier, too, because of economic conditions. "Police hiring is very local and it may reflect local initiatives," Schulz said. "If you have high unemployment, for instance, or you don't have a lot of job opportunities in the market that policing appeals to, and the salary is fairly high, you may not have to market as hard. Whether that has any effect or not, nobody really knows."

The Santa Ana, Calif., Police Department significantly increased the number of minorities in its ranks, according to the report. From 1990 to 2000, the percentage of Hispanic officers rose from 24.6 percent to 36.9 percent, although the number of blacks fell during that decade from 2.4 percent to 1.2 percent. Overall, the department's minority representation increased from 29.6 percent to 42.1 percent.

One of the reasons for the agency's diversity is a 10-year-old policy that requires all city employees to be bilingual in one of five languages, including Spanish, Vietnamese and Korean.

"For the past several years, [the department] has been very progressive when it comes to recruiting minorities into the work force," said Sgt. Balthazar de la Riva.

To meet the demands of Santa Ana's large Latino population, the department has a Hispanic affairs officer, whose function is to interact with the Latino community and media and deal directly with the city's Mexican consulate.

## Growth factors

Gain in training seen

A key finding of the BJS study was that classroom and field training for officers in large-city departments increased from an average of 1,280 hours to 1,480 hours, while the number of agencies that require some college rose from 19 percent to 37 percent. Those requiring college degrees rose from 6 percent to 14 percent.

"It's probably linked to the increase in community policing," said Brian A. Reaves, the study's co-author. "The officers probably have more access to higher education now, and as a society, more people are going to college. It looks like a lot of departments at least expect someone to get a two-year degree, so they think they're getting somebody who is better able to work in the community."

Researchers found that the number of people served by police between 1990 and 2000 rose by 10 percent, while the number of full-time officers grew by 7 percent, to 310 per 100,000 residents.

The proportion of agencies using in-field computers increased from 73 percent in 1990 to 97 percent in 2000. Ninety-seven percent of the large-city departments now use automated fingerprint identification systems, and the same percentage have enhanced 9-1-1 systems.

### All there in black & white:

## Behind the numbers on stops & searches

A roundup of recent developments around the nation related to racial profiling.

**KANSAS** — Blacks in Wichita accounted for 20.7 percent of all traffic stops while making up 11.4 percent of the city's population, according to an analysis of some 34,454 stops between January and July 2001. While acknowledging racial disparity within some routine law enforcement practices, the study, conducted by a Wichita State University professor, could not determine how much if any of the disparity

was the result of bias.

**MINNESOTA** — Of some 17,428 traffic stops made by Minneapolis police between January and March of this year, officers knew the driver's race in advance just 10 percent of the time, according to an analysis by The Minneapolis Star Tribune released in May. The data were collected for a study being conducted by the state Legislature. While police have been filling out checklists noting the race of the driver, the reason for the stop, whether a search was conducted and, if so, its outcome,

asking police whether they knew the driver's race before making the stop is a new wrinkle.

**NEW JERSEY** — State Senator Nia Gill, an Essex Democrat and the only black member of the Judiciary Committee, accused Gov. James McGreevey of asking her to withdraw a racial profiling bill this month which would have banned consent searches. While denying that the governor asked Gill to bury the legislation, spokesman Paul Aronson said McGreevey considers such searches an essential law enforce-

ment tool. Opponents of the searches contend that they are used disproportionately against minority motorists.

**OHIO** — An analysis by The Cincinnati Enquirer of complaints lodged against municipal police officers found that blacks filed 76 percent of 983 complaints over the past five years. The study said the Office of Municipal Investigations and police supervisors found problems with officers just 13 percent of the time. Officers faced disciplinary action in about half of those cases, it said. Other findings were that

blacks complained about being stopped and searched 16 times as often as whites, and that in 39 cases where officers drew their weapons, all but one of the suspects was black.

**OREGON** — Statistics released by the State Police in May show that while white drivers are more likely to be stopped by police, black drivers are more likely to be ticketed or arrested. The agency compiled data on 371,000 traffic stops statewide during a 15-month period beginning in January 2001. While the number of stops closely resembles Oregon's racial and ethnic makeup, once stopped, white motorists are let off with a warning more frequently than Latino or African American drivers, according to the data.

**TENNESSEE** — A study that tracked the race of drivers stopped by Nashville police will be expanded to include motorists' sexual orientation, gender and religion with the help of a \$200,000 federal grant. Statistics showed that black drivers were stopped disproportionately to whites.

**UTAH** — Although blacks make up just 2 percent of Salt Lake City's population, they represented more than 4 percent of traffic stops made by police during a two-year period, according to a study released in May. Hispanics, who account for nearly 19 percent of the city's residents, made up 17 percent of stops and 12 percent of citations. Whites, who are 60 percent of the population, were stopped 68 percent of the time and ticketed in 78 percent of cases.

## Did profiling concerns hamper FBI?

The FBI's reluctance to be seen as a practitioner of racial profiling has had a chilling effect on its ability to investigate Middle Eastern men suspected of having links to terrorist organizations, both the bureau's director and a chorus of federal lawmakers said recently.

In testimony before Congressional committees investigating intelligence failures related to the Sept. 11 attacks, FBI Director Robert S. Mueller III said that he has seen "indications of concerns about taking certain actions" because they could be perceived as biased. A case in point, he noted, was the memo by a Phoenix-based agent urging an investigation of Arab men training in U.S. flight schools. Mueller said one agent

expressed concerns that such action could be perceived as being bias-based.

Some have also criticized the bureau for its failure to obtain warrants to search the laptop computer of Zacarias Moussaoui, the only suspect so far arrested in the attacks, who was detained by immigration officials in Minneapolis one month before the attacks.

Senator Dianne Feinstein (D.-Calif.), a member of the Senate Select Committee on Intelligence, said she believed such fears have hampered the bureau's efforts. But much of the problem, she said, stemmed from confusion over what constituted racial profiling.

"Racial profiling is defined differently by different people," said Feinstein. "That's sort of the bottom line. It is a very difficult issue. Do I

believe it has had a chilling effect on field agents? Yes, I do."

The nation must be realistic about who will be the subject of terrorism investigations, said the intelligence panel's ranking Republican, Richard C. Shelby of Alabama. It defies common sense, he said, to "think you're going to find terrorists in the Rotary clubs, in the Kiwanis clubs, in the golf clubs, in the plants where people are working every day in America, on farms."

Federal agents can investigate terrorism in Islamic communities without using racial profiling, said Shelby.

The FBI and the Bush administration have publicly pledged not to seek out suspects based solely on ethnic origins. One way around that, said Senator Charles Schumer (D.-N.Y.), would

be to target non-U.S. citizens from countries that sponsor terrorism.

"Racial profiling of American citizens is abhorrent," he said, "whether they be African-American, Asian-American or Muslim-American. I think the you can do this much better by country of origin but with the strong caveat of noncitizen only, non-green-card holder," said Schumer. "That's a much more comfortable way to be with this."

Schumer and Senator Jon Kyl (R.-Ariz.), introduced a bill in June that would give the government greater leeway in conducting surveillance on non-U.S. citizens by eliminating the rule that requires authorities to show a link between the person and a foreign terrorist network.



Winter:

## Big Brother is watching, ever so discreetly

By Caroline Winter

While recently walking back from teaching a class at John Jay College of Criminal Justice, I was asked by a colleague on the faculty to take part in an interview concerning the use of closed circuit television (CCTV) in England. (He had some students working on a media project who were looking to practice their skills on an unwitting passerby.) My colleague knew I was from England, here on a five-month assignment from Kent County Constabulary, arranged by the British Police Staff College at Bramshill with John Jay College. He thought I might be able to give an account of the use of CCTV back home, given the enthusiasm, post 9/11, for the installation of such devices throughout New York City.

I hold the rank of superintendent (which equates to captain in the U.S.) and have responsibility for tactical operations training at police headquarters at Maidstone, Kent, yet the interviewer's questions caused me to think back to the mid-1990's, when I was a chief inspector at West Kent Basic Command Unit, in charge of uniform operations. Across the whole of England and Wales, the British Government under Prime Minister John Major was seeking to encourage local authorities to take advantage of some 10 million pounds sterling (\$14 million) they were offering to install and set up CCTV in town centers across the land. My own force was fortunate to have David Phillips (now Sir David) as its chief constable, who took immediate advantage of this offer and set a two-man team onto the task of, first, assessing the needs of all 26 of our towns, and second, determining what technology would be best suited in each case. The team consisted of a police inspector, Trevor Hall, and our own CCTV expert, Mick White. They put together a comprehensive package as our bid to central government and we were granted all the money we sought.

During consultation with local authorities, the team negotiated for the control room for each town to be sited in offices of the local authority, the city or town council, with a smaller number of

TV screens to be located in each police area control room (ACR), which could allow for police staff to monitor specific parts of the town whenever necessary. The team were very conscious of the very real concerns of local people as to how intrusive these cameras might be and the use to which they would ultimately be put. Would they be used to prevent and detect crime or to persecute the motorist? Would they allow viewers of the images to pry into people's private lives, gardens or homes? The team were determined to allay these fears by producing a code of practice for the use of the cameras; they consulted widely, both with officials and politicians of local government and with the public at large. The codes were finally agreed upon and incorporated such safeguards as:

¶ Only paid, vetted personnel are allowed to view the images on the screens.

¶ The system can only be used to prevent and detect crime.

Sharpe:

## Practicing realism, not racism

By R.E. Sharpe

I think the term "racial profiling" was coined sometime in the mid-90's. Various groups were attempting to explain why the nation's prison systems were disproportionately high in minority populations. Now the catch phrase has become a hackneyed, misused scapegoat.

Prior to this, "profiling" was a term used by law enforcement to describe a tool by which likely suspects could be identified. This has been true since the very beginning of police work. Certain criminal offenses are by statistical fact more likely to be committed by some groups than by others. This spans the spectrum of races, as well as ages, gender and sexual orientation. Of course, there are always variations and no one group is exempt

¶ Images are to be held on tape for 31 days and then erased.

What these safeguards meant in practice were, although media interest was high at the outset, no other persons were allowed to view images; they could be shown the extent of operation by using specially prepared video footage which had been chosen specifically because no images of people were present. Where the camera focused in, it would be upon an inanimate object to demonstrate the high resolution of the image.

Although it would be possible to use the cameras to check documentation upon a car's windshield to ascertain, for example, whether appropriate road-use duty had been paid to the government, or if fees had been paid to park on the street or in a public car park, no such use was allowed.

The police interest in the videotapes was considerable; I had to impress upon our detectives the need to access the tapes in a timely fashion

before they were erased, and I also provided to the area crime unit and the case investigation team officers exactly what area of the local town the cameras covered.

That, then, raises the \$60-million question: Do they work? Do they prevent crime from occurring and can the police use the images to detect crime?

Prior to my current role as head of tactical operations training, I ran our performance unit at headquarters which, in a similar fashion to the NYPD's Compstat arrangements, was charged with reviewing and reporting on our performance as a force, both by area and in comparison to other forces across the country. Based on that experience, I can give an accounting of how the crime rates have fallen in our county, more so in the towns than in the rural areas. I would not be foolish enough to suggest that this is all due to CCTV camera installation because during the same time

Continued on Page 11

(Caroline Winter is a police superintendent with the Kent County Constabulary in England and was a visiting professor of police science at John Jay College of Criminal Justice in New York during the Spring 2002 semester.)

(R.E. Sharpe is a Charleston County, S.C., sheriff's deputy and secretary of the S.C. Fraternal Order of Police, Tri-County Lodge No. 3. His commentary originally appeared in The [Charleston] Post and Courier.)

*Criminal profiling is easy to understand. If 90 percent of all murders were committed by clowns, is it not fair to say that the first likely suspect in a murder case would have a rubber nose?*

from any one crime.

As the term "racial profiling" was used to describe the means by which prisoners found their way to jail, it is most often attributed to traffic stops. By its definition, these offenders were the targets of a traffic stop based simply upon their race. Any study would reveal that most in the

prison population are not there based upon common traffic stops.

In attempting to get an accurate count of such prisoners who may indeed be victims of "racial profiling," it would be necessary to consider the following factors and remove from the count those to whom the claim of racial profiling could not apply.

**Factor 1: The nature of the crime.** Is there a victim? Most victims have no ulterior motives when describing a suspect and do not gain by providing police with misinformation. All offenders sentenced for a crime where victim testimony is key should be excluded.

**Factor 2: Time of day.** Nighttime traffic stops (aside from being extremely dangerous) most often do not give the officer any foreknowledge of gender or number of vehicle occupants, let alone their race, and this factor is especially enhanced by the popularity of window tinting. All offenders sentenced as a result of a traffic stop at night should be excluded.

**Factor 3: Location of traffic stop.** In any location, it is likely that the majority of traffic stops would mirror the resident population a given area. If the area were predominantly populated by one race or another, the bulk of traffic stops would be likewise. On the other hand, someone of another race in the same location would certainly have higher visibility and as a result are likely to be watched more closely. All offenders sentenced as a result of a daytime traffic stop and being of the same race of the majority of the area's population should be excluded.

**Factor 4: Reason for traffic stop.** The reason for the stop should be determined. The reason for the traffic stop would have to be lawful. This is the paramount factor in court for all traffic stop cases. Anyone convicted as a result of a lawful traffic stop should be excluded.

**Factor 5: Several other factors that are sporadic in nature should be considered.** Any person

Continued on Page 11

### Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.





# Canada pig farm holds clues to serial killings

In a case of serial murder to rival that of the Green River Killer just across the border in Washington, Canadian authorities believe they have caught the man who has preyed for 20 years on prostitutes and female drug addicts living and working in the seedier reaches of Vancouver, British Columbia.

Excavations began in February on 10 acres of property in Port Coquitlam belonging to Robert William Pickton, a 52-year-old pig farmer, who in May was charged with six counts of first-degree homicide. Investigators suspect him of having murdered 50 women in all. If so, it would make Pickton one of the most prolific serial killers to have struck in North America.

While Royal Canadian Mounted Police officials would not say what led them to Pickton's ramshackle hog farm 22 miles east of Vancouver, it could have involved an incident five years ago in which Pickton allegedly stabbed a drug-addicted prostitute named Wendy Eistatter repeatedly, according to court documents. He was charged in 1997 with attempted murder, assault, unlawful confinement and aggravated assaults, but charges were dropped when Eistatter failed to appear for pretrial hearings.

In a search of Pickton's house on a illegal firearms warrant on Feb. 5, members of a joint Vancouver police and RCMP task force, along with officers from Port Coquitlam, found weapons and also evidence linking Pickton to the missing women. The following day, authorities launched one of the most intense criminal investigations in Canadian history, turning the farm into a virtual crime lab. Some 80 investigators and forensic technicians have been assigned to the case.

One obstacle to recovering evidence, however, is the use of the property as a commercial landfill, site with trucked-in soil and garbage dozens of feet deep covering the farm. Moreover, tract houses were built on much of Pickton's land, the development project coinciding with the disappearances.

Relatives of the missing women were shown photographs of shoes, jackets, jewelry and other items believed to have been recovered from the site, although that has not been confirmed by authorities. Nor have police said whether relatives recognized any of the belongings.

Police reportedly found identifiable fragments and DNA samples from two victims at the site, Sereena Abotsway

and Mona Wilson. Pickton has also been charged with the death of Andrea Joesbury who disappeared in 2001.

"The detailed, inch-by-inch search of the farm property will continue for many months to come," RCMP Constable Catherine Galliford, a spokeswoman for the task force, told The Los Angeles Times in March. "We believe we now have answers regarding the disappearance of two missing women. But this is a case involving 50 missing women. There are a lot of questions still unanswered. We won't rest until those answers are found."

In early June, however, Galliford was taking a more measured approach as to the progress of the investigation. After a BC-CTV news report said that body parts had been found in one of several freezers at the pig farm, Galliford declined comment, saying "We're not making any confirmation and we're making any denial based on the fact that not only do we have an ongoing investigation but we've also got an accused before the courts."

The investigation had been expanded in May when a search warrant was executed on a second piece of property owned by Pickton that includes a banquet hall, "Piggy's Palace," where

the suspect and his brother held parties for Vancouver's demimonde.

Prostitutes began disappearing from Vancouver's east side during the mid-1980s, with three or four women a year missing through the 1990s. While the pattern is similar to that of the Green River Killer, authorities in Washington do not believe the murders are connected.

"We have no reason to link their cases to ours, at all," said John Urquhart, a spokesman for the King County Sheriff's Department, in an interview with The Seattle Post-Intelligencer. "There is nothing to indicate any links at all, with one exception, dead prostitutes. But that is a dangerous profession, and there are dead prostitutes across the U.S. and Canada."

Gary Leon Ridgway was charged last fall in four of the 49 disappearances and deaths attributed to the Green River Killer. Ridgway was never a suspect in the Canadian murders, said Galliford, although investigators did meet with Green River Task Force detectives after Ridgway's arrest last year.

The first of the 50 women to disappear in Vancouver was Rebecca Guno in June 1983. But the disappearances did not become a public concern until four years later when the Mounties began to suspect a serial killer was at work. At the time, they linked the death of Carol Ruby Davis, a prostitute and drug addict, to the murders of four other prostitutes. The task force was formed in April 2001.

According to Dr. Kim Rossmo, research director for the Police Foundation and a former inspector with the Vancouver Police Department, there was resistance to the idea that a serial killer was loose. He told Law Enforcement News that although Pickton had been identified as a suspect by both the RCMP and the Vancouver police, officials chose to do nothing about it.

"I think, one, was lack of expertise in dealing with serial killers, and two, it was political," said Rossmo. "These investigations are always expensive, so politics do play a role." No police officers ever want to see a victim go unavenged, he said, yet had these women gone missing from the wealthy west side of the city, there would have been a "very different response."

"Obviously, it did play a role. I don't

want to simplify it to say they're prostitutes, everyone ignored it... but I think this one fell through the cracks."

Vancouver's major crime squad, he said, also believed that it was dealing with missing women, not murder victims. Investigators thought that they would eventually find them.

Rossmo is the creator of a computer program that uses statistical analysis to narrow down the locations where a serial killer might live or choose his victims. One of the interesting facts uncovered, he noted, was that Pickton took his renderings from the pig farm to a rendering plant right in the neighborhood where the women had gone missing from. "Geographically, it links him with a regular trip right in the area."

By using the same techniques an epidemiologist would apply to identify the outbreak of a disease, Rossmo said he found the number of missing women during the mid-1990s to be statistically significant. The cluster began in 1995 and jumped up in 1997. Using missing person data from the capital in Ottawa, missing-person survival rates were plotted out over time. Most people are found within two days, said Rossmo. 90 percent within three weeks, and nearly everyone within three months, although they may not be found alive.

"The data said we were looking at one or two dead women per year from that area, now we're at five, six, seven, eight missing and we weren't finding them," he said. "We applied the curves to the reported missing, said, 'Look, over the course of time, we are probably going to find two more, but that will still leave us with way too many.' In other words, something is going on and the simplest, easiest explanation is a serial killer."

At least five of the six victims Pickton is charged with killing disappeared after he was identified as a suspect, said Rossmo.

There was a difference in attitude, as well, between the department's patrol division and its homicide unit, he said. Whereas homicide's responsibility begins where the body is found, from a patrol perspective, it lies with protecting the community.

"We talk about community policing, but here, who really cares about the investigation if you can prevent these people from being victims in the first place?" asked Rossmo.

## Clock is running out on NYPD's '48-hour rule'

New York City police officials may finally have the leverage they need to permanently eliminate the hotly disputed "48-hour rule" from contract negotiations with the rank-and-file.

A decision handed down April 30 by the city's Public Employment Relations Board concluded that the rule, which prohibits for two days the questioning of police suspected of misconduct, may not be subject to collective bargaining. The interrogation of officers, the board said, should be determined by the police commissioner.

The ruling was part of a binding arbitration hearing before a three-member panel that will determine police salaries. While police officials have long sought to have the 48-hour rule eliminated, the Patrolmen's Benevolent Association has been able to hold on to it for the past 30 years. In fact, the union

said it would appeal the decision.

The 48-hour rule is necessary, one union official told The New York Times, because policing is the only profession where employees are forced to answer questions or face the loss of their jobs. Their statements, however, cannot be used against them in court, and for that reason, police officials contend that the regulation rarely comes into play in cases where the misconduct rises to the level of a crime.

Nonetheless, Maier's decision was hailed by some state and federal prosecutors. Critics of the regulation, including Police Commissioner Raymond W. Kelly, think its removal was long overdue.

"It is the intention of the city to see to it, as with all the other police unions, that the 48-hour rule be eliminated," Kelly said.

## Headlines are not enough

Affirmative-action programs looking a little black & blue  
The jury is still out on community policing  
It's a mother  
Time to rethink academy & field training  
Maternity-leave

To do a tough job in changing times, you need timely, comprehensive, straightforward information. For the latest trends and ideas, turn to **Law Enforcement News**. Twenty-two times a year, we'll put you in touch with the thinking of those who are shaping law enforcement policy and practice.

**YES!** I'm ready for the professional advantage of **Law Enforcement News**. Enter my one-year subscription and bill me just \$28.00. (Return the coupon to LEN, 555 W. 57th Street, New York, NY 10019.)

Name/Title \_\_\_\_\_

Agency \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/State/ZIP \_\_\_\_\_

**Law Enforcement News**

A publication of John Jay College of Criminal Justice/CUNY

(61502)



## After the FBI, federal civil rights probers come knocking in NY

The troubled Schenectady, N.Y., Police Department, the focus of an ongoing FBI investigation that led to the convictions last year of four officers on drug charges, will now be probed by the Justice Department's civil rights division.

Federal investigators concluded their first round of interviews this month, meeting with Schenectady County Sheriff Harry Buffardi, police officials, community residents and activists, and former chief Gregory Kaczmarek, who was recently demoted to assistant chief [LEN, Oct. 15, 2001].

Justice Department officials acknowledged that the investigation was prompted by the persistence of residents of the Hamilton Heights section. For years, civil rights activists have complained that police were roughing up residents and frisking them for drugs without probable cause.

Since 1999, Buffardi has kept track of inmates coming into the jail with injuries. The practice began with Gerald Tanner, who is suing the Schenectady department for allegedly beating him. Since that time, approximately one-third of the 120

people arrested by Schenectady police who have been brought to jail have blamed officers for their injuries, according to Buffardi's records.

While he would not discuss the specifics of the investigation, City Councilman Frank Maurizio told The Albany Times Union that federal officials seemed committed to helping Schenectady solve its problems. He was particularly impressed, he said, by Charles Gruber, a police consultant and former president of the International Association of Chiefs of Police, who is part of the probe. "I wanted to offer him the commissioner's job," Maurizio said. Officials are in the process of selecting a police commissioner, a post created in just the past few months.

One obstacle to change, however, will be the union's contract with the city, noted District Attorney Bob Carney. A provision that bases job assignment on seniority rather than performance severely limits managerial prerogatives, he told The Times Union. Although union leaders said they would be willing to cooperate with the probe, any change in the contract would have to be made at the bargaining table.

## To restore public confidence, Maine chief calls on DoJ unit

### Portland takes step after string of excessive-force settlements

Failing in his attempts to restore credibility to his department following a string of payouts to settle excessive-force cases, Portland, Maine, Police Chief Michael Chitwood has invited the Justice Department to review the agency and determine whether a pattern of civil rights abuses existed.

The investigation, which got underway in May, is the first of its kind in New England. The department had been thrashed by the local media after losing one brutality case and settling two others, said Chitwood. One of those, involving an officer who hit a suspect in the head with the barrel of his gun, was settled for \$600,000 — the largest sum ever paid out by the city.

"We had three cases right in a row where we settled and there was a lot of news media coverage about the fact that we were out of control," he said in an interview with Law Enforcement News. "No matter what we did or said, we couldn't convince the media we were not out of control. Prior to those three settlements, we probably won 90 percent of the cases brought against us. We have a fairly good record and it's a good department."

Police and city officials believed they needed an objective review from an outside source. Although specific cases had been investigated by the FBI or the state attorney general's office in

the past, the department was always given a clean bill of health.

"Organizationally, we decided we needed people who are respected and if they say something, good, bad or indifferent, people will believe it," the chief said.

Chitwood noted that his agency was coming to the Justice Department voluntarily. "We're not a department that has corruption, we're not a department where we run around and shoot people, we're not a department where we have dogs biting people, all the things that get you into trouble," he said.

After researching the memorandum of agreement reached between the Justice Department and the Metropolitan Police Department in Washington, D.C. last year, along with consent decrees entered into by the cities of Steubenville, Ohio, and Pittsburgh, the department decided that calling in investigators from DoJ's civil rights division was a winning strategy.

In January, Chitwood wrote to Ralph Boyd, the assistant attorney general in charge of the civil rights division, asking for a review of the police department's internal affairs process,

along with its use of force, field interviews and traffic stops, arrests for crimes of public disorder and officers' supervision.

To bolster his request, Chitwood contacted Maine's two U.S. senators, Olympia Snow and Susan Collins, both Republicans. In a letter from Snow to Attorney General John Ashcroft, the Senator wrote: "The Department of Justice has the expertise and experience necessary in conducting these reviews, and would therefore be able to provide an objective and focused analysis."

Portland's municipal officials worked hard to get the Justice Department's assistance, said Mayor Karen Geraghty. "People in the administration and certainly people on the [city] council are in favor of this analysis," she said in an interview with The Portland Press Herald. "The community is divided, quite frankly, on what kind of job we are doing. I having an outside agency with a lot of experience come in and say, 'Hey, here are the things you're doing really well, or here are some suggestions for improvement.' I don't know how that can be a bad thing."

## Forum: Big Brother is watching, ever so discreetly

Continued from Page 9

period, from 1994 to 2002, our force was completely reorganized to become "intelligence led" — allowing officers to break the reactive cycle and concentrate on the small number of offenders responsible for the majority of crime in the county. Suffice it to say, however, that crime levels have dropped and CCTV has contributed to this.

Consider just a few of the real-life

examples of CCTV in operation.

¶ One day in Sevenoaks, a small town in the northwest of Kent, the member of local authority staff on duty, while scanning the images upon a bank of TV screens, saw two young men run from a café at the top end of the High Street. He saw them glance back over their shoulders as they ran. Thinking this looked suspicious, he contacted the area control room at Sevenoaks police

station by police radio. He alerted the control room operator as to what he had seen, and a patrol car was dispatched to meet the two men around the area of the railway station. The officers questioned the young men and also contacted the café. It was only then that the café staff realized the two men had left without paying for their meal.

¶ On another occasion, on a dark evening in Folkestone, a seaside town on the east coast, two men attacked another young man, kicking him viciously in the head before running off. The operator in the local authority control room again alerted police to what he had seen and also called for an ambulance to attend the victim. Fortunately the police were able to arrest the individuals concerned, but it was too late for the victim; he died en route to the hospital. The videotape evidence, however, was used to its fullest extent, both during interviews of the defendants and subsequently at their trial for murder. The images showed very clearly how truly murderous the attack had been.

For those considering adding CCTV to their bag of tricks, I would offer the following advice on installation (with all due acknowledgment to Trevor and Mick):

¶ Arrange for the local authority to manage the system.

¶ Use whatever funds the central government might have available.

¶ Create your own team of police and technical experts.

¶ Consult widely to create acceptable codes of practice

¶ Capitalize upon your success by letting the media know the part played by CCTV in preventing and detecting crime. It will also alert would-be criminals to the likelihood of detection.

## Forum: Practicing realism, not racism

Continued from Page 9

son stopped because his or her vehicle matched the description of that report in a recent crime should be excluded. Vehicles stopped shortly after a crime has been reported (in the same vicinity when little or no description has been given) should be excluded. If an officer and the offender are of the same race, that offender should be excluded from the count.

I am confident that any research will prove that our officers of all races practice honest and good police work. They all do in fact "profile" criminals, which is a charge of their duty. If the criminals/prisoners are disproportionate in one way or another, therein lies the problem. This is not a police creation, only an opposite and equal reaction.

Failure to recognize patterns of criminal behavior or modus operandi would be a dereliction of duty, an abandonment of common sense and would likely result in many offenders not being brought to justice — all this being to the detriment of the public we are sworn to protect and serve.

We certainly would not condone

racial profiling as it has been defined. Our jobs are dangerous enough dodging bullets. Dodging attorneys for such claims would only make a difficult job even worse. Really, criminal profiling is easy to understand. If 90 percent of all murders were committed by clowns, is it not fair to say that the first likely suspect in a murder case would have a rubber nose?

Do we practice racism? No. We do practice "realism." Our very lives depend upon it. Check for yourself. In the FBI's Uniform Crime Reports you can find out what suspects are attributed to what crimes and who the victims are. In light of the Sept. 11 attacks, would you "profile" anyone or any group?

Police officers in general do not choose their profession for great economic gain or to practice oppressive ideologies. They do so for love of country and community. Anyone wishing to find out firsthand how their protectors operate should participate in a ride-along program that most departments offer. They'll be surprised to learn just how caring, professional and fair the officers really are.

## Consular ID cards win growing favor

Following the lead of a number of Southern and Western jurisdictions, the Los Angeles City Council on May 14 approved a six-month pilot program that will allow city agencies to accept identification cards issued by the Mexican consulate.

Acceptance of the so-called "matricula consular," or consular cards, will give Mexican immigrants greater access to government and help them with aspects of daily life such as opening a bank account, obtaining a library card, or proving they are of legal drinking age. The cards will only be issued to individuals with a birth certificate or other legitimate identification issued in Mexico.

In California, the ID cards have become a coveted item. In Santa Ana, the number of applicants for matricula consular increased from 1,800 to 4,000 a month since last fall. And in Los Angeles, where the county sheriff's department has already been honoring the cards, the number of processed applicants has leaped from 3,800 a month to 10,000 a month since November. San Francisco and Oakland became the first and second cities in the nation to pass resolutions allowed the cards to be used as legal identification.

The cards have been considered legal proof of identification since 1870, when they were issued by Mexican consulates as a way of keeping track of nationals living abroad. They were later accepted by Mexican authorities as a type of passport for immigrants who wanted to head back across the border from the United States.

In April, police officials in Hous-

ton announced that they would begin accepting the cards as legal proof, in hopes that doing so will help reduce crime and assist police in interviewing witnesses and victims.

Police Chief C.O. Bradford stress that the IDs do not give the bearer any diplomatic privilege, although they are similar to those given to American diplomatic officials living overseas. "It does not exempt anyone as far as them being held responsible for a crime," he told The Houston Chronicle. "It does assist us in determining the proper identity of many of the individuals that Houston police officers come into contact with on a day-to-day basis."

With more than 130,000 Mexicans living in the area, Bradford said he welcomed the card as proof of identification. "Houston police officers are encountering these people on a daily basis — whether it is as a witness, whether it is as a victim or in some cases a suspect," he said.

It also allows police to know that these individuals have been recognized by their consulate, said Enrique Buy-Flores, the Mexican consul general in Houston.

Last November, the Albuquerque Police Department began accepting the matricula consular as valid proof of identification. They are also accepted by the Bernalillo County, N.M., Sheriff's Department. "When we're presented with those, we know they're valid because they have to go through a rigorous process to get them," said Michele Arviso Devlin, a sheriff's spokeswoman told The Albuquerque Journal.

### MOVING?

Don't leave Low Enforcement News behind. To ensure that your LEN subscription travels with you, please send change-of-address notices to the Subscription Department at least 6-8 weeks prior to effective date.



# Law Enforcement News

A publication of John Jay College of Criminal Justice/CUNY

Vol. XXVIII, No. 579

June 15, 2002



## It's not your father's FBI — or is it?

Stung by harsh criticism from inside & outside, the FBI gets ready for a dramatic makeover to help position the bureau for its role in the war on terrorism. **Page 1.**

### ***Also in this issue:***

- Federal agents react to the proposed homeland security department. **Page 1.**
- Profiling: Sometimes it's an officer's duty. **Forum, Page 9.**

John Jay College of Criminal Justice/CUNY  
Law Enforcement News  
555 West 57th Street  
New York, NY 10019

NON-PROFIT ORG.  
U.S. POSTAGE  
PAID  
New York, N.Y.  
Permit No. 1302

### ***What They Are Saying:***

**"Once I found out about his technical expertise and background, we locked the door behind him. Poor guy, he doesn't get out of here."**

— Weare, N.H., Police Chief Myles J. Rigney, after an Emmy award-winning former television engineer volunteered to help streamline the police department's arrest and warrant procedures. (Story, Page 5.)